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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 44 of the Convention

Combined third, fourth and fifth periodic reports of States parties due in 2012

Sierra Leone*

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List of child protection network partners/agencies working with the line ministry

Advocacy Movement Network

Association for Children in Crisis

Christian Brothers

Defence for Children International

Don Bosco

Enhancing Interaction and Interface between Civil Society and the State

Faith Alliance against Slavery and Trafficking (FAAST)

Family Homes Movement

GOAL Ireland

Human Rights Commission

International Social Services

Justice Sector Co-ordination Office

Ministry of Education, Science and Technology (MEST)

Ministry of Finance and Economic Development

Ministry of Foreign Affairs

Ministry of Health and Sanitation

Ministry of Justice

Ministry of Labour, Employment and Social Security

PLAN Sierra Leone

Save the Children (SC UK)

Sierra Leone Police

Statistics Sierra Leone (SSL)

St. George's Foundation

The Local Councils

United Nations Children's Fund (UNICEF)

World Hope International (WHI)

World Vision

Youth for Christ

List of acronyms

APC	All People's Congress
CFN	Children's Forum Network
CP-Com	Child Protection Committee
CRC	Convention on the Rights of the Child
DCI	Defence for Children International
ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
FAAST	Faith Alliance Against Slavery and Trafficking
FGM	Female genital mutilation
FHC	Free Health Care
FHC-I	Free Health Care Initiative
FSU	Family Support Unit
GBV	Gender-based violence
GDP	Gross domestic product
HRCSL	Human Rights Commission Sierra Leone
ILO	International Labour Organization
JSDP	Justice Sector Development Programme
MEST	Ministry of Education, Science and Technology
NASSIT	National Social Security and Insurance Trust
NCC	National Commission for Children
NGOs	Non-governmental organizations
OPAC	Optional Protocol to CRC on the involvement of children in armed conflict
OPSC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
PHC	Population and Housing Census
PRSP	Poverty Reduction Strategy Paper
PSSO	Principal Social Services Officer
RUF	Revolutionary United Front
SCSL	Special Court of Sierra Leone
SSO	Social Services Officer
SSSO	Senior Social Services Officer
TACKLE	Tackling Child Labour through Education
TIP	Trafficking in Persons
UNFPA	United Nations Population Fund

UNICEF	United Nations Children's Fund
WFP	World Food Programme

I. Background

A. Summary of contents

1. The State Party (Sierra Leone) ratified the Convention on the Rights of the Child (CRC) on June 18, 1990 after it had been unanimously adopted by the United Nations General Assembly on November 20, 1989. In accordance with its treaty obligations under the CRC, the country in the year 2007 domesticated the Convention *in extensio* by enacting the Child Rights Act 2007 (Act No. 7 of 2007)[1] hereinafter called the Child Rights Act. The short title to the Act provides that it is designed "to provide for the promotion of the rights of the child compatible with the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November, 1989, and its Optional Protocols of 8 September, 2000; and the African Charter on the Rights and Welfare of the Child, and for other related matters". Thus, even though the Act is not holistic and all-embracing on child rights issues within the country, such as the exclusion or non-coverage of matters relating to the administration of juvenile justice and adoption of children from its purview, the Child Rights Act contains detailed provisions on the rights, welfare and protection of children at all levels.

2. The present report further notes that following the submission of the State Party's initial report to the Committee on the Rights of the Child (hereinafter called "the CRC Committee") in April 1996, the State Party, in 2005, also submitted its second country report on the implementation of the Convention on the Rights of the Child to the CRC Committee pursuant to Article 44 of the CRC.[2] Thereafter, various written replies were sent to the CRC Committee in response to a list of issues raised by it.[3] The Committee considered the second country report in its 1330th and 1331st meetings in May 2008 and came out with its concluding observations and recommendations,[4] which were adopted on 6 June 2008 in its 1342nd meeting.

3. Furthermore, in August 2007, the State Party submitted its reports on the periodic implementation of the Optional Protocol to the CRC on the involvement of children in armed conflict (OPAC)[5] and the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography (OPSC).[6] In similar vein, the CRC Committee considered and adopted its concluding observations and recommendations on the State Party's reports on its implementation of the Optional Protocols in October 2010.[7]

4. The report is thus a presentation of the gains made since the 2005 country report, the various strides taken to address certain key challenges highlighted in the said Report as well as those yet to be fully addressed, and the prevailing efforts and programmes put in place to

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[1] Presidential Assent for the Act to become law was given by the President on 29 October 2008 as gazetted in Statutory Instrument No. 15 of 2008 published on 4 December 2008. Also, section 40(4) of the 1991 Constitution of Sierra Leone requires that all treaties, conventions and agreements entered into by the President on behalf of the country be approved and domesticated by Parliament, the country's law-making body.

[2] CRC/C/SLE/2.

[3] CRC/C/SLE/Q/2/Add.1.

[4] CRC/C/SLE/CO/2.

[5] CRC/C/OPAC/SLE/1.

[6] CRC/C/OPSC/SLE/1.

[7] CRC/C/OPAC/SLE/CO/1 and CRC/C/OPSC/SLE/CO/1.

respond to and address the concerns and recommendations of the CRC Committee in its consideration of the State Party's 2005 and 2007 reports respectively.

5. The State Party takes into consideration the seriousness and depth of the CRC Committee's observations, enquiries and comments in its respective concluding observations and uses this report to highlight fundamental intervention points in the country's bid to respect and safeguard the rights of its children as well as protect and promote their best interests and wellbeing nationally. This is essentially in line with achieving and maintaining the fourth key objective of Sierra Leone's Poverty Reduction Strategy Paper II (2008-2012) also known as the "Agenda for Change" or PRSP II, which is "to ensure sustainable human development through the provision of improved social services", including but not limited to ensuring sustained economic growth, poverty reduction, improving the quality and access to education especially for primary and junior secondary schools, providing early childhood care for more children, encouraging the girl child to attend and complete school, and focusing on healthcare delivery particularly for infants and pregnant women.

6. In summary, and in line with the 2010 treaty-specific guidelines adopted by the CRC Committee regarding the form and content of periodic reports submitted by States Parties under Article 44 (1)(b), this report covers the prevailing child rights and welfare situation in Sierra Leone in all its forms – legal, social, economic, health and, inter alia, equity situations concerning children especially as it relates to or compares with the situation in 2005 when the second country report was submitted. It begins by outlining in summary the general child rights and welfare situation in the country within political, economic, social and demographic contexts as well as the basic challenges and constraints faced and envisaged; and then considers specific areas within the reporting guidelines including General Measures of Implementation, which in turn covers national law and policy relative to the CRC and its Optional Protocols; national policy, planning, strategy and coordination; budget allocation and international assistance sought in implementing programmes affecting women and children generally; monitoring mechanisms and the role of independent human rights institutions, civil society organizations, child forum networks and INGOs, NGOs and community-based organizations in promoting and publicizing the CRC within the country.

7. The report further moves into other specific areas like defining childhood as required by law in Sierra Leone. It analyses the General Principles of Child Rights and Welfare as outlined in the CRC (arts. 2, 3, 6 and 12), noting in particular the principle of non-discrimination, best interest principle, right to life, survival and development of a child, and respect for the views of children. It also delves into Civil and Political Freedoms enjoyed by children within the country such as birth registration; freedom of expression, association, thought and religion; access to appropriate information, protection of the child's privacy and the role of the media in that regard; as well as the prevention from torture, inhuman and degrading/harmful treatment.

8. As it progresses, the report narrows down to discussions on Family Environment and Alternative Care, highlighting, inter alia, issues on parental responsibilities, duties and rights, national social security and recovery of maintenance for children; issues on separation, adoption, trafficking and illicit transfer and/or non-return; child abuse, neglect and/or abandonment; as well as child rehabilitation/reform, placement, reunification and reintegration. The report examines Disability, Basic Health and Welfare Situations in the Sierra Leone, touching on areas like child survival and development; maternal and primary healthcare; disadvantaged children, including those with disabilities and health challenges; family planning and safeguarding reproductive rights of adolescents; regulation of prejudicial/harmful practices affecting children; prevention of HIV/AIDS and other sex-

related diseases; measures to protect children from substance abuse; nutrition and food security for children; and basic child care and support services.

9. Another fundamental area covered in the report touches on Education, Leisure and Cultural Activities affecting children. Under this rubric, the National Education Policy and Act are discussed, as well as the promotion of peace education among pupils and provision of recreation and cultural programmes for children generally.

10. The report further deals with Special Protection Measures relating to children outside their country of origin seeking refugee protection, internally displaced children and migrant children, if any; children in armed conflict situations, if any; as well as the extent of the country's implementation of OPAC and its requirements; Child labour updates; Child sexual exploitation and abuse; issues relating to OPSC and its implementation especially as it relates to the sale, trafficking and abduction of children; Children in the Streets; and, inter alia, orphaned children or children in difficult circumstances. Additionally, the report highlights the current country situation relating to Juvenile Justice. It discusses policy and law relating to children in conflict with the law; provision of rehabilitation, reform and reintegration facilities for juvenile offenders; monitoring and coordination of partner activities; and the provision of legal aid for children in conflict with the law and child victims of abuse.

11. The report concludes on the challenges envisaged in the full realization and enjoyment of child rights and welfare within Sierra Leone as well as prospects for development. The State Party's commitment to the implementation of the Millennium Development Goals, its vision for sustainable development as contained in Vision 2025, and its efforts at achieving the PRSP II (the Agenda for Change) are noted as essential benchmarks for the healthy survival and development of Sierra Leone's children.

B. Land and People of Sierra Leone

12. The Republic of Sierra Leone lies in the West Coast of Africa sandwiched landwards in the Northern and Eastern Provinces by the Republic of Guinea and in the Southern and Eastern Provinces by the Republic of Liberia respectively. Sierra Leone, Guinea and Liberia together form the Mano River Union. The country is bounded on the West by the Atlantic Ocean and, apart from having a land area of about 72,000 square kilometres, she has a fluvial and oceanic mass of 120 square kilometres.

13. Sierra Leone also has lots of mineral deposits including being one of the world's leading producers of gemstones (diamonds), rutile (titanium) and iron ore – the recent mineral exploration and mining of which has greatly increased the revenue base and enhanced the economic growth of the country. The country additionally has such other minerals like gold, bauxite and zircon. Besides minerals, the country's total arable land is estimated at 6%, and has a tropical climate and dense rain forest in its Southern and Eastern Provinces. In summary, the World Fact Book[8] of the United States of America Central Intelligence Agency has described the State Party as, inter alia, having "substantial mineral, agricultural and fisheries resources".

14. According to the Provisional Results of the 2004 Population and Housing Census (PHC), Sierra Leone has a population of about 5 million people (4,976,871) spread over twelve districts[9] in the three provincial regions as well as the Western Area; even though

[8] www.cia.gov/library/publications/the-world-factbook/.

[9] The Provisional Census Report estimates the most populous districts to be Port Loko in the north (247,463 people), Kenema in the east (227,428 people) and Bo in the south (209,754 people). The

the PHC also projects an increase in the population at about 6.4 million in 2012 and 6.5 million in 2017 with a population growth rate pegged at 1.8%. Undoubtedly, both population growth and demographic spread have direct effect and impact on sustainable development, economic growth and poverty reduction. The December 2011 "Situation Analysis of the Status of Children in Sierra Leone" prepared by the United Nations Children's Fund (UNICEF) (hereinafter called "the 2011 UNICEF Situation Analysis") states that in 2011, the population of the country was projected at 5.89 million with females constituting 51% thereof. It also states that 54% of the population constitutes people below the age of 19 years;[10] thus making the country thrive on a youthful population within the meaning of the 2003 Sierra Leone National Youth Policy and the 2009 National Youth Commission Act, which define a youth as "any person between the ages of fifteen and thirty-five".

15. Besides, even though the 2011 UNICEF Situation Analysis notes improvements in infant and under five mortality by stating that "under five mortality declined from 267 deaths in 1,000 live births in 2005 to 217 in 2010", it also stated that "infant mortality accounted for 59% of all deaths among under five children in 2010 hence the need to increase focus on new-born care and health".[11] Considering, however, current trends in Sierra Leone's Free Health Care (FHC) initiative officially launched in April 2010, it is expected that the infant and under five mortality rates will continue to reduce considerably. High teenage pregnancy is noted as one of the key factors responsible for the mortalities. Chronic malnutrition as reflected in 44.4% of children below five years being stunted in the year 2010 compared to 40% in 2005 – with the highest levels of stunting being found among children aged 36-47 months old, also give a grim picture of the child welfare and survival situation in the country.

16. Sierra Leone's country report on the CRC submitted in 1996 noted that the country had 18 ethnic/tribal groupings of which the Mendes and Temnes constitute the largest groups, with Krio spoken as the lingua franca and English as the official language.[12] Current reports show that the majority of the population are Muslims compared with the number of Christians and animists/non-believers.

C. Political, Economic and Social Contexts

1. Political Context

17. Sierra Leone became independent in 1961 and a Republic in 1971. The country was a practicing democracy until 1978 when the All People Congress (APC) Party converted it into a One-Party Republic after enacting the 1978 One-Party Republican Constitution.

18. The country continued under one-party governance until 1991 when political changes and a referendum ushered in a reversion to multi-party democracy characterized by the current 1991 Constitution of Sierra Leone (Act No. 6). About this time, the civil conflict that ended more than a decade ago was started by the Revolutionary United Front (RUF) rebels along the State Party's border with Liberia and it later engulfed the entire country.

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western Urban Area has about 127,917 people.

[10] At p. 2, quoting Statistics Sierra Leone (2006) Analytical Report on Population Projection for Sierra Leone.

[11] UNICEF Situation Analysis (December 2011), ibid, p. 9.

[12] The Temnes are spread over the Northern Province and the Mendes over the South-Eastern Provinces respectively. The Western Area also has quite a number of people belonging to both tribes in addition to the many other tribes.

19. The civil war, corruption and rising economic costs spurred a military coup in 1992 when the APC Party government was overthrown and replaced by a military junta, namely, the National Provisional Ruling Council. An internal military takeover and agitation for political change by civil society groups led to multi-party elections and the installing of the Sierra Leone People's Party government of President Ahmad Tejan Kabba. Attempts to cease hostilities and end the civil war culminated in the signing of the Abidjan Peace Accord in November 1996.

20. However, slightly more than a year into the reign of President Kabba, the army overthrew his government and in May/June 1997, formed the Armed Forces Revolutionary Council (AFRC). President Kabba's Government continued in exile in neighbouring Guinea, while the AFRC formed a de facto alliance government with the RUF. Civil disobedience and political instability continued until February 1998 when the Economic Community of West African States Monitoring Group (ECOMOG), which is the military wing of the Economic Community of West African States (ECOWAS), overthrew the AFRC/RUF junta alliance and reinstated President Kabba.

21. Further instability continued and in January 1991, the government of President Kabba was again almost overthrown by remnants of the AFRC/RUF alliance who had regrouped in the interior of the country and marched on Freetown, inter alia, to reinstate the Army, which the President had hitherto disbanded. The civil war heightened around this time as Freetown was partly set ablaze and unspeakable atrocities were committed. ECOMOG however regained its hold later, and flushed out the rebels.

22. The nature and depth of events of January 1999 warranted the signing of another Peace Agreement in Lome in July 1999, which finally led to disarmament, demobilization and reintegration of all combatants. Amnesty and reprieve were also granted to all combatants and their collaborators under the 1999 Lome Peace Agreement. The war was finally and officially declared over in January 2002. The United Nations Mission in Sierra Leone, formed after the Lome Peace Agreement, played useful and crucial roles in the peace process and participated in rebuilding the country as well.

23. Children suffered the most during the civil war period, an event that exacerbated the poverty of the country's people. An estimated 10,000 children were directly affected by the war both as active combatants and victims. Hundreds of thousands more suffered indirectly. As the country regained stability, institutions like the National Commission for War Affected Children and the truth and reconciliation were formed by Acts of Parliament, inter alia, to provide for war-affected children, hear their stories and help rehabilitate and reintegrate them into society. Both institutions have since concluded their assigned tasks and written out their respective reports.

24. Similarly, in 2003, the Special Court for Sierra Leone (SCSL) was established to try those who bear greatest responsibility for crimes committed in the civil war. Trials in the Court involving the AFRC, RUF and Civil Defence Forces ended a few years ago with convicts in each group serving sentences in the Republic of Rwanda. All of them were, inter alia, convicted for the international crime of recruiting children into armed forces or groups during the conflict. The former Liberian President, Charles Taylor, was also recently convicted by the SCSL for aiding and abetting combatants in committing various international crimes in Sierra Leone. His appeal to the Appeal Court of the SCSL is, however, pending.

25. In September 2007, the State Party witnessed peaceful, free and fair presidential and parliamentary elections that eventually led to a democratic change of government through the ballot box, ushering in the current government of the All People's Congress Party headed by the President, Ernest BaiKoroma. Local Government Elections were held in July

2008 followed by a further set of presidential, parliamentary and local government elections held in November 2012, which the APC Party won as well.

26. The President launched the PRSP II which he dubbed "the Agenda for Change" in 2008, outlining his objectives, vision and strategies for reducing poverty in the country and increasing human and infrastructural development. The Agenda focuses on four key priorities, namely, i) reliable power/energy supply in the country; ii) raising quantity and value-added productivity in the agriculture and fisheries sectors; iii) developing a national transportation network; and iv) ensuring sustainable human development through the provision of improved social services. It is hoped that the realization of these objectives would lead to the execution of the President's other agenda dubbed "the Agenda for Prosperity", which is expected to guide the affairs of state in the next five years following the successful completion of the 2012 elections.

27. Notwithstanding the President's above Agenda and myriad efforts by the government to reduce poverty and address national problems like the acute electricity shortages in the city and other parts of the country, poor roads, food insecurity and widespread corruption, maintenance of peaceful and sustainable democracy became threatened by rising political tensions during the recent elections underpinned by growing economic hardship, weak institutional managements and rising poverty in urban and rural areas. The government is employing various sustainable strategies to ensure political, social and economic stability.

28. Other ancillary institutions in ensuring good governance, human rights and democracy, like the Human Rights Commission for Sierra Leone, the Anti-Corruption Commission, the Political Parties Registration Commission, the National Privatization Commission, the National Revenue Authority, the Audit Service Commission, Independent Media Commission and an independent Press among others, have all been at work in helping to maintain peace, stability and a steady economic growth for the country and its children.

2. Economic and Social Contexts

29. In spite of recent gains in its human development indicators, Sierra Leone is still ranked among the least developed countries in the United Nations Development Programme Human Development Index and the Human Poverty Index. It is estimated that real economic growth in the country stood at 5%, up from 3.2% in 2009, which is not gloomy enough considering the global economic recession. This increase is primarily due to boost in the "construction, infrastructure development, mining, manufacturing services and electricity generation".[13] It is similarly reported that "rice and staple food production increased remarkably".[14]

30. Efforts at achieving the country's Millennium Development Goals are under way as notable strides have been made in accessing basic services such as basic primary education especially for the girl child, healthcare for pregnant and lactating mothers as well as for under five children, improved power generation and supply, and increased access to the rural areas due to improved road networks. The GDP per capita income which was rated at $142[15] in the country's PRSP I (2005-2007) is rated at $374 with a GDP of $2[16] up from $1. Thus, notwithstanding that the production of iron ore and bauxite projected an economic

[13] December 2011 UNICEF Situation Analysis, pp. 2-3.

[14] December 2011 UNICEF Situation Analysis, p. 3.

[15] See the Government of Sierra Leone's Poverty Reduction Strategy Paper entitled "A National Programme for Food Security, Job Creation and Good Governance (2005-2007)".

[16] Knoema's World Data Atlas, available from www.knoema.com/atlas/Sierra-Leone.

growth of 32.5% in 2012 and beyond, government is alive to the statistical fact that the poverty of its people continues at a staggering 60%, down from 70% in 2004.[17]

31. Accordingly, the State Party notes the following as major risk factors in achieving the objectives set out in its PRSP II, namely, permissive attitudes to corruption (which the Anti-Corruption Commission is addressing), illicit drug trafficking (which has been considerably curtailed) and 70% youth unemployment (which is also being addressed). In order to fully realize the core objective of sustainable human development, the State Party in 2011 developed and adopted the National Social Policy, which, inter alia, seeks to build a robust, coherent, transparent institutional legal framework for the coordination of all social protection services; strengthening social welfare systems and creating alternative care policy for vulnerable children; building on the potentials of the physically challenged; and providing a minimum social protection package in education, health, nutrition and shelter for disadvantaged children, women, the aged, the disabled etc. The Ministry of Social Welfare, Gender and Children's Affairs ("the Line Ministry"), the National Social Security and Insurance Trust (NASSIT) scheme, which provides social security for public and private sector employees within the country, and the National Revenue Authority, which oversees and networks income/revenue generation nationally, are playing lead roles in maintaining the 2011 National Social Policy. Government's core principles for sustainable growth include ensuring good governance, macro-economic stability, financial and private sector development, sound management of natural resources including petroleum oil and other viable minerals, and effective monitoring and evaluation of the PRSP II.

D. Summarized Update of the Line Ministry's Activities in Sierra Leone

32. The Ministry of Social Welfare, Gender and Children's Affairs (herein called "the Line Ministry") has undergone and is continuing to undergo fundamental structural and personnel development changes that will enhance its role and usefulness in the development strides of government. In September, 2011, following gains from past efforts, including functional review processes commenced by the Department for International Development in 2006, the Line Ministry undertook extensive structural review and personnel development changes to meet the growing challenges of securing and promoting the rights and basic welfare of children in the country as well as respond to its own inadequacies and administrative bottlenecks. The Line Ministry accordingly rephrased its Mission Statement as follows: "To ensure the provision of services to promote the social development and protect the rights of all citizens, especially the socially marginalised, disadvantaged groups, less privileged people particularly children, women, the aged and the disabled, whether groups, individuals, family units and the needy in our communities. In this regard, the Ministry promotes and advocates for (...) resource mobilization and allocation and ascertains necessary policy development and law reforms. The Ministry also promotes gender equality and advocates for the advancement of women in the political, legal, social, economic and other spheres of life".[18]

33. The Line Ministry also stated its key objective to include "building a protective environment for children by strengthening and developing a Child Protection System specific to the Sierra Leone context" and identified the following as its new Mandate:

[17] December 2011 UNICEF Situation Analysis, p. 2, quoting Sierra Leone's Millennium Development Goals Report (2010) and Sierra Leone's PRSP II Report (2008-2012).

[18] Government of Sierra Leone document entitled "Overview of Restructuring the Ministry of Social Welfare, Gender and Children's Affairs", September, 2011.

- Provide welfare services i.e. care for the aged, special care for people with disabilities, social services for vulnerable and exploited girls, boys, women and men;
- Initiate government policies relating to gender and children;
- Lead the process of gender mainstreaming within the country;
- Monitor and coordinate all activities, including existing structures, relating to women and children;
- Coordinate the efforts of NGOs, United Nations agencies and other donor agencies in addressing the needs of vulnerable and exploited girls and boys, women and men;
- Raise awareness/recognition of the gender gap and take positive steps to narrow gender disparities, child abuse, violence against women and marginalization of women and children in the society;
- To assess the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels;
- Mobilize resources, both local and international, in support of gender and children related projects Collaboration with relevant government ministries and national and international organizations/institutions.

34. The Line Ministry has also continued to identify target areas of intervention, map out strategies, lay out goals and objectives, and strengthen its partnership and network with various Non-Governmental Organizations (NGOs) and community-based organizations involved in protecting and promoting child rights and wellbeing in the country; the partners and the Line Ministry altogether form the National Child Protection Committee (i.e. National CP-Com), which coordinates and supervises the Regional Child Protection Committees in the North, South and Eastern Provinces respectively as well as in the Western Area. The Committee has three thematic subcommittees, namely, Alternative Care, Child Justice and Trafficking in Persons units and it holds bi-monthly meetings to discuss policy matters affecting children nationally as well as urgent matters affecting their welfare.

35. The Line Ministry has particularly continued to work and collaborate with UNICEF as the Ministry's focal partner in national development issues pertaining to children.

36. Furthermore, the restructuring process has eliminated existing structures and replaced them with the following Directorates: 1) the Human Resources and Administrative/Finance Directorate; 2) Policy Development and Strategic Planning Directorate; 3) Gender Directorate; 4) Social Welfare Directorate; and 5) Children's Affairs Directorate – which entities are supervised administratively by the Chief Social Services Officer and the Permanent Secretary of the Line Ministry in the order of seniority; the political heads being the Minister and his/her Deputy. Essentially, the Children's Affairs Directorate comprises the Child Protection, Child Justice and Alternative Care Divisions; while the Social Welfare Directorate comprises the Trafficking in Persons, Disability/Elderly Persons and Disaster Relief Divisions. Each of these Divisions are manned or to be manned by a Principal Social Services Officers (PSSO) with years of experience in the Line Ministry or related fields of child protection and welfare. The PSSOs supervise and direct the affairs of both Senior Social Services Officers (SSSOs) and ordinary Social Services Officers (SSOs) who are mostly field officials within the Line Ministry.

37. Additionally, in order to more adequately respond to its research, planning, legal affairs, data collection, processing and logistical needs, the Line Ministry's Policy Development and Strategic Planning Directorate anticipates the recruitment of Legal Officers and a Policy/Planning Officer who will work with available research and planning

Consultants to update data and respond to the regulatory/legal and statistical needs of the Ministry. Similarly, the Human Resources and Administrative/Finance Directorate shall set up various units including, Human Resource Management, Records, Public Relations and Finance/Procurement units. The Gender Directorate shall additionally deal with all matters pertaining to women, including the advancement of girls, with a Gender Policy, Advancement and Advocacy Divisions.[19] Advertisements in the *gazette* are under way.

38. At the regional levels, the Line Ministry intends to strengthen child welfare and protection activities within the Local Councils by providing them with Child Welfare Departments on a decentralized scale. These Departments shall be monitored and coordinated by the four Regional Directors who shall also be designated as Assistant National Directors. For easy access to information and data, the Line Ministry shall set up an Information Systems Office manned by an Information Officer that will liaise with and collect relevant and needed information from SSOs and the Ministry's Data Clerks.

39. Besides, having recognized that customary law and practice impacts the lives and regulatory social practices of the majority of Sierra Leoneans, especially those living in the Provinces, the Line Ministry, with the support of its Partners, recently prepared a memorandum of understanding between Paramount Chiefs, the Family Support Units (FSU) of the Sierra Leone Police and the Child Welfare Committees in the various Chiefdoms on how the respective parties to the Memorandum can complement each other in identifying, sharing information on, reporting, prosecuting and preventing cases of child abuse in their communities devoid of customary practices and social/traditional impediments. This process helps to integrate community participation and ownership of the local regulatory mechanisms that protect children and advance their wellbeing.[20]

40. Moreover, in May 2012, the Line Ministry developed a National Alternative Care Policy for Children, inter alia, to "guide Government, NGOs and communities on the protection of children involved in adoption processes, fostering, independent living or [those] living in children's homes". The Policy[21] assesses the situation of children involved in alternative care generally – including those who are vulnerable or are at risk of abuse, stipulates policies premised on international standards for their protection and provides guidelines for Local Councils and Child Welfare Committees on how to deal with, protect and prevent cases of abuse against children in alternative care or who are at risk. To ensure effective implementation, coordination and supervision of the process, an Alternative Care Officer shall be recruited by the Ministry to work with field officials.

41. It is to be noted that the National Alternative Care Policy anticipates the State Party's broader and all-inclusive National Social Protection Policy, which combines national growth with equity for the poor, including providing for the "chronically poor" people, persons who are "economically at risk" and those who are "socially vulnerable", such as disadvantaged women and children. On a scale, the Social Policy prioritizes the needs of children of especially poor families as prime for social action and response by the State.[22]

42. Similarly, in the field of Child Justice, the Line Ministry and its Partners in January 2010 prepared the "Age Assessment Guidelines for Children in Contact with the Justice

[19] Government of Sierra Leone, "Overview of Restructuring the Ministry of Social Welfare, Gender and Children's Affairs", September 2011.

[20] See draft memorandum of understanding between Paramount Chiefs, the Family Support Units of the Sierra Leone Police and the Child Welfare Committees.

[21] Draft Sierra Leone Policy on Alternative Care for Children, 22 May 2012.

[22] See Government of Sierra Leone document: "Draft National Social Protection Policy: Combining Growth with Equity for the Poor", February 2011, by Adam S. Platt and others.

System" in order to facilitate the determination of the ages of children who come in contact with due process and the justice system, including children in conflict with the law, child victims of abuse and child witnesses. The Line Ministry notes age assessment as a key activity or component of the National Child Justice Strategy for Sierra Leone 2006, which is under review, as well as the Justice Sector Reform Strategy and Investment Plan (2008-2011) of the Government of Sierra Leone. Accordingly, a Child Justice Officer shall be recruited by the Line Ministry, inter alia, to work with SSOs.

43. The Line Ministry has, in addition to facilitating the enactment of the Sexual Offences Act 2012 by Parliament in order to consolidate and more adequately punish sexual offences, drawn up the National Referral Protocol on Gender-based violence (GBV) to "provide technical guidance and ensure that all survivors/victims of GBV (both domestic and sexual violence) receive a prompt and comprehensive response from service providers that meets their needs from the first point of contact onwards".[23]

44. The Line Ministry has further continued to undergo training programmes on child protection issues for its staff; this has mostly been achieved through support from its CP-Com Partners and the limited budget provided by government. In order to enhance effective monitoring, ensure and maintain proper welfare for children, and protect and document child rights abuses or violations as well, SSOs require refresher training on evolving national policies/laws and international norms affecting children. The Ministry notes that since the financial year 2010 to 2012, it has received a steady 0.4% as the budgetary ceiling towards non-salary, non-interest expenditure for grants to welfare institutions; diets for the approved school and remand home; and for social development programmes – with each programme receiving 0.1% of the budget.[24] Similarly, the Gender and Children's Affairs Division has, as a unit, also received a steady 0.4% as the budgetary ceiling towards non-salary, non-interest expenditure for all Gender and Children's programmes, the Children's Commission and for the reintegration of Street Children.[25] Budgetary constraints, understaffing, limited staff training and capacity building added to low monthly salaries form part of the major challenges facing the Ministry in its work.

45. Finally, and among other things, the Line Ministry has, as part of its mandate, continued to work with the Children's Forum Network (CFN), being a national "child-to-child" organization with branches in the three Provinces, to spread information and knowledge on child wellbeing and development issues.[26] Through the CFN, the Ministry has ensured that children get directly involved and take frontline roles in advocacy and sensitization programmes covering their rights and welfare. This approach strengthens children's right to be heard and their views taken on board. Since its establishment by the Ministry in 2001, the CFN has become entrenched as a formidable child protection agency with its executive members regularly sharing their views on national issues concerning children.

E. Pro-Child Legislative Development in Sierra Leone Post-2006

46. Another key development in the area of child welfare relates to the enactment of the 2007Child Rights Act mentioned in this report together with other legislation impacting

[23] See Government of Sierra Leone document: "National Referral Protocol on Gender-based Violence, Pathways to Service Provision for Victims/Survivors of GBV".

[24] See Government of Sierra Leone - Budget Profile for Financial Year 2008 to 2012 (Annex 1), p. 8.

[25] Ibid, p. 8.

[26] The CFN was launched by the Minister of Children's Affairs on the Day of the African Child (June 16) 2001.

child development, such as the Registration of Customary Marriage and Divorce Act, 2009 (Act No. 1), the Domestic Violence Act, 2007 (Act No. 20), the Devolution of Estates Act, 2007 (Act No. 21), the Persons with Disability Act, 2011 (Act No. 3), the National Drugs Act, 2008 (Act No. 10), the Prevention and Control of HIV and AIDS Act, 2007 (Act No. 8), the Sierra Leone National Commission on Small Arms Act, 2010 (Act No. 6) and, inter alia, the National Youth Commission Act, 2009. These legislation, added to existing laws like the Education Act, 2004, the NASSIT Act (2001), the Human Rights Commission Act (2004), the Anti-Human Trafficking Act (2005), the Local Government Act (2004), the Adoption Act (1989), the Children and Young Persons Act (Chapter 45 of the Laws of Sierra Leone, 1960) and the recent Environment Protection Agency Act (2008) and Sexual Offences Act (2012) altogether strengthen and add legal efficacy to the protection and promotion of child rights and development in Sierra Leone.

47. Among other things, the Line Ministry notes that the Child Rights Act has standardized the definition of a child as "a person below the age of 18" to the extent it is now the more acceptable legal definition of a child incorporated in other recent legislation. The Child Rights Act also provides for the establishment of a National Commission for Children as an independent legal entity to monitor and coordinate the implementation of the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child; oversee the implementation of the Child Rights Act itself; and advise the Government on policies aimed at the improvement of the condition or welfare of children in Sierra Leone, compatible with the Convention and Charter.[27] The Ministry has made strident efforts at establishing the said Commission, with would-be members being already nominated by various stakeholders for Parliamentary approval.

48. The Child Rights Act entrenches child rights in all aspects and puts the child's best interests as the fundamental principle or primary consideration in all matters pertaining to the child.[28] The Act provides as well for the establishment of Child Welfare Committees at decentralized community levels and other bodies, including Child Panels to hear informal or quasi-judicial matters, a Family Court to sit on civil matters pertaining to children, and Childcare Institutions or Approved Residential Homes. It also stipulates laws governing child employment. Furthermore, section 40 (2) of the Act provides that "the Ministry responsible for finance shall reserve into a trust fund and not utilize after thirty years a proportion of the proceeds from non-renewable resources, for the benefit of children". When fully implemented, it is hoped that great and far-reaching improvements shall be achieved in the advancement of the lives of children in Sierra Leone.

49. Besides the foregoing, it is noted that the "Three Gender Bills", namely, the Registration of Customary Marriage and Divorce Act (2009), the Domestic Violence Act (2007), the Devolution of Estates Act (2007) have made lots of improvements on the situation of women and children in terms of safeguarding their rights in personal relationships, their rights to properties of persons alive and dead as well as upholding their social security. The Sexual Offences Act, 2012reinforces legal parameters for protecting children. On health, safety and disability issues regarding children, the National Drugs Act (2008), the Prevention and Control of HIV and AIDS Act (2007) and the Persons with Disability Act (2011) coupled with the Government's Free Health Care initiative are measures that can cumulatively strengthen the child welfare situation in the State Party when implemented.

50. The Sexual Offences Act, 2012 has consolidated existing offences of a sexual nature and created further offences like incest by a woman, sexual harassment, indecent exposure,

[27] See section 11 of the Child Rights Act, 2007.
[28] Section 3 of the Child Rights Act, 2007.

voyeurism, bestiality etc. with grave penalties for their infringement. It also outlines specific offences committed against children, such as sexual penetration of a child, sexual touching of a child, sexual activity in child's presence, causing a child to watch sexual activity, offences relating to producing, distributing, processing, accessing and using child pornography etc. with severe penalties as well.

51. In the area of adoptions, local and inter-country, the Line Ministry notes the Government's white paper on the HANCI-MAPS adoptions released on 17 April 2012.[29] In view of the Commission of inquiry conducted into the purported adoption of 29 Sierra Leonean minors reportedly facilitated or undertaken by HANCI-MAPS in 1997 (HANCI being an NGO registered in Sierra Leone and MAPS being the organization Maine Adoption Placement Services of the United States of America) and the acceptance by the Government of Sierra Leone of the recommendations of the Commission vis-à-vis especially inter-country adoption, the Ministry is currently reviewing the 1989 Adoption Act in order to bring it up to date as well as in harmony with the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

52. Finally, the Line Ministry notes the contents of the Final Report on the Sierra Leone Multiple Indicator Cluster Survey, 2010[30] as well as the UNICEF Situation Analysis of the Status of Children in Sierra Leone, 2011[31] and states that the State Party has taken on board the concerns and recommendations therein with a view to improving on the current child rights and welfare situation in the country and the challenges they collectively pose.

II. General measures of implementation (Compliance with Articles 4, 42 and 44 (para. 6) of the Provisions of the CRC)

A. State Party's Compliance with the CRC and its Optional Protocols

53. As noted earlier in this report, the State Party signed CRC on 2 February 1990 and deposited the instrument for ratification with the Secretary-General on 18 June 1990, thereby fulfilling its treaty obligations and demonstrating its commitment to adhere to the provisions and dictates of the Convention. The State Party is also a party to the African Charter on the Rights and Welfare of the Child,[32] an instrument which protects the rights and welfare of children in Africa and, in particular, makes their best interests *the* primary consideration in all actions concerning children.

54. Sierra Leone additionally ratified OPAC on the 15 May 2002, and thereafter declared that the minimum age of recruitment into its National Armed Forces shall henceforth be 18 years. In similar vein, she ratified OPSC on the 17 September 2001.

55. Sierra Leone was also a party to the Plan of Action adopted by the General Assembly committing Governments in the world to ensure and enhance "a world fit for children." In that Plan of Action, apart from committing herself to "putting in place, as appropriate, effective national legislation, policies and action plans and allocating resources

[29] See Sierra Leone Government's White Paper issued by the Attorney General, Franklyn Kargbo on 13 April 2012.

[30] Produced by Statistics Sierra Leone and UNICEF, December 2011.

[31] Also produced in December 2011 by UNICEF.

[32] See African Union Doc. CAB/LEG/24.9/49 (1990), entered into force on 29 November 1999. In contrast with CRC, the Charter defines a "child" with clear certainty as any person below the age of 18.

to fulfil and protect the rights and to secure the wellbeing of children", the State Party reaffirmed its obligation "to take action to promote and protect the rights of every child, every human below the age of 18 years including adolescents." She also, inter alia, undertook to "respect the dignity and to secure the wellbeing of all children" and acknowledged the CRC and its Optional Protocols and other related international instruments as "a comprehensive set of international legal standards for the protection and wellbeing of children."[33]

56. Moreover, the country has continued to use, with emphasis and determination, the eight-point development indicators contained in the Millennium Development Goals[34] as the basis for its national development plans and as the bedrock for the country's Vision 2025 Development Strategy.[35] Similarly, the State Party's Poverty Reduction Papers, to wit, PRSP I (2005-2007) and PRSP II (2008-2012) have steadily emphasized its commitment to uplifting the welfare of children in its development programmes. The Agenda for Prosperity PRSP III (2012-2017) intends to do likewise.

57. As noted in paragraphs 2 and 3 of the present report, following the submission of the State Party's initial report to the CRC Committee in April 1996, the country, in 2005, also submitted its second country report on the implementation of the Convention on the Rights of the Child to the Committee pursuant to Article 44 of the CRC. Thereafter, various written replies were sent to the CRC Committee in response to a list of issues raised by it. The Committee considered the second country report in its 1330th and 1331st meetings in May 2008 and came out with its concluding observations and recommendations, which were adopted on 6 June 2008 in its 1342nd Meeting.

58. Similarly, in August 2007, the State Party submitted its reports on the periodic implementation of the Optional Protocols to CRC, namely, OPAC and OPSC aforesaid. The Committee also considered and adopted its concluding observations and recommendations on the State Party's reports on its implementation of the Optional Protocols in October 2010.

B. Information on Specific Reservations to the CRC (Art. 3, etc.) and its Optional Protocols

59. In accordance with the November 2010 Treaty-specific Guidelines on the form and contents of periodic reporting by States Parties to the CRC Committee, the State Party reports under this rubric that she has no specific reservations and declarations to the CRC and its Optional Protocols especially as regards the definition of a child. To this end, the State Party has enacted several recent legislations, inclusive of the Child Rights Act, 2007 which domesticates the CRC extensively, that consistently define a child as "any person below the age of eighteen".

C. Measures to Review and Domesticate the CRC and its Optional Protocols

60. The enactment of the Child Rights Act extensively domesticates the CRC and its Optional Protocols. Apart from harmonizing and standardizing the age of a child at 18 years without reservation, the Act states that "the fundamental principle to be applied in the

[33] See UNICEF's *World Fit for Children*, 2002, at paragraphs 31(a) and 4 respectively.
[34] The Goals were measured against 1995 as the baseline year.
[35] See *Sierra Leone Vision 2025, "Sweet Salone"*, Government of Sierra Leone Document (2003).

interpretation of [the] Act shall be that the short- and long-term best interests of the child shall be a primary consideration in any decision or action that may affect the child or children, as a group". The short title to the Act, as noted earlier, also provides that the Act is designed to "to provide for the promotion of the rights of the child compatible with the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations on 20 November, 1989, and its Optional Protocols of 8 September, 2000; and the African Charter on the Rights and Welfare of the Child, and for other related matters".

61. In addition to the above, Part III of the Act provides for specific rights of the child, inclusive of the child's right to life, maximum survival and development; its right a name and nationality; right to grow with its parents; its right to parental property whether born in wedlock or not; its rights to social activity and opinion and, inter alia, the protection of the child from exploitative labour, torture and degrading or inhuman treatment.[36] The Act also covers parental and state responsibilities to the child, inclusive of but not limited to the parent's obligation to control and guide the child's upbringing, maintain personal relations with it, act as its legal representative;[37] and in the case of the state and its local bodies (decentralized councils), "to plan and implement participatory activities that improve the welfare of children" and, inter alia, "implement policies and programmes for childcare services to help working parents carry out employment and other work-related obligations and necessary activities without unnecessarily harming the best interests of the child".[38] Section 35 of the Act provides a penalty of a fine not exceeding Thirty Million Leones (about $7,000) or an imprisonment term not exceeding two years or both such fine and imprisonment term for contravening the rights of the child in the Act.

62. In the case of OPAC, section 28 of the Child Rights Act prohibits the recruitment of children into armed forces or groups, including military or para-military forces. It states the minimum age of recruitment into armed forces at 18 and prohibits the use of land mines and other weapons declared by international instruments to be adverse to children. Similarly, and as noted in the its report on the implementation of OPAC dated August 2007, the Recruitment Policy of the Republic of Sierra Leone Armed Forces (2004) and the Armed Forces Recruitment Act of 2006 prohibits the recruitment or enlistment of persons below 18 years of age into the Sierra Leone Armed Forces.[39]

63. Additionally, the State Party recognizes the enactment of the Sierra Leone National Commission on Small Arms Act, 2010 (Act No. 6) to address the proliferation of small arms in the country, leading to the establishment of the Sierra Leone National Commission on Small Arms. Besides, in line with its obligations under the Rome Statute of the International Criminal Court (ICC) of 15 September, 2000, the State Party entered into an Agreement with the United Nations Secretary General in January 2002 for the establishment of the Special Court for Sierra Leone, which Court has since been up and running convicting all of the indictees who have appeared before it, inter alia, of the international crime of recruiting or enlisting children into armed forces or groups.

64. Regarding OPSC, the State Party highlights efforts made in prohibiting and regulating trafficking in persons, especially children, as contained in the Anti-Human Trafficking Act (2005) which is under review, as well as in enacting the Sexual Offences Act (2012) with stringent penalties, new sexual offences and measures to regulate sexual

[36] Sections 23 to 34 of the Child Rights Act, 2007.

[37] Section 36 of the Child Rights Act, 2007.

[38] Sections 39 to 40 of the Child Rights Act, 2007.

[39] Section 1, para. 76 of the Revised Version of the Extant Terms of Service for All Ranks in the Sierra Leone Armed Forces (16 February, 2006) removes the 17-and-half-years-or-below age requirement in the 1961 Republic of Sierra Leone Military Forces Act.

relationships and contacts with especially persons below 18. Section 34 of the Child Rights Act prohibits the marriage or betrothal of a person below 18 particularly stipulates at section 34 that "no certificate, license or registration shall be granted in respect of any marriage unless the registrar or other responsible officer is satisfied that the parties to the marriage are of the age of majority". Similarly, the Act amends under its schedule all previous statutes that provide different ages of consent for children by substituting the definition of a child under the said statutes with the definition under it(the Child Rights Act). It must be noted, however, that the Registration of Customary Marriage and Divorce Act (2009)[40] provides that persons below 18 years could marry under customary law if their parents, guardians, resident Magistrate or Chief Administrator in their locality give(s) consent to the marriage. Noting that this position clearly conflicts with provisions in the Child Rights Act, which is the parent Act intended to supersede all legislation governing child rights in Sierra Leone, the Line Ministry has engaged Parliament (the law-making body) to ipso facto amend the said Registration of Customary Marriage and Divorce Act.

65. Contemporaneous with the Child Rights Act is the *2006 National Policy on Child Wellbeing*, which is currently being revised into the *National Child Protection Policy*. Among the several principles included in the Policy are principles such as the State Party must make maximum contribution to child wellbeing or ensure the enjoyment of child rights; that the State Party must abide and advance child rights principles at all societal levels; the State Party must focus on the performance of duties to realize correlative rights for child wellbeing; children of the State Party, subject to age and ability, and other human rights holders must enjoy their rights responsibly; that all duty bearers within the State Party at all societal levels must be accountable and, where necessary, held responsible for the performance of duties correlative to child rights; and the principle that capacities at all societal levels must be accordingly developed within the State Party to ensure sustainable and progressive respect, protection, promotion and provision for the enjoyment of child rights and wellbeing. The "policy goal" of the National Policy centres on "making maximum contribution to the realization of Vision 2025 through a focus on child wellbeing within the State Party"; while its "policy objective" is "to have a country where the best interests of the child are paramount in the progressive and maximum attainment of the survival, development, participation and protection of every child within the State Party".

D. General Measures Taken to Protect and Promote the CRC and its Optional Protocols

66. The State Party notes the CRC Committees concerns, observations and recommendations under paragraphs 6 to 24 of its 2008 concluding observations on the CRC as well as paragraphs 7 to 16 of the Committee's concluding observations on the State Party's initial report on OPAC dated 1 October 2010 and paragraphs 6 to 22 of its concluding observations on the State Party's initial report on OPSC also dated 1 October 2010. The said observations concern "General Measures of Implementation" of the State Party's obligations under the CRC and its Optional Protocols. These measures shall be discussed under the following subheadings of the said instruments:

1. Relevant Legislation
2. Coordination
3. National Plan of Action
4. Independent Monitoring

[40] Section 2 of the Child Rights Act.

5. Allocation of Resources

6. Data Collection

7. Dissemination, Training and Awareness Raising.

1. Relevant Legislation

67. On the recommendation that the State Party takes, as a matter of priority, all appropriate measures to ensure that the Child Rights Act has precedence, in juridical terms and in practice, over previous legislation relating to child rights, the State Party acknowledges that apart from the provisions of section 3 of the Act, which posits the child's best interest as the fundamental principle to be applied in all decisions or actions concerning the child or children as a group, efforts are under way to set up the Child Welfare Committees at rural and urban settings in order to give effect to the Act. Alternatively, and aware that it is costly at this stage to set up Child Panels at village or chiefdom level as required by the Child Rights Act, the Line Ministry intends to train Probation and Social Development workers as para-legals to mediate in less and/or non-criminal matters involving children and to divert them as the case may be. Training and recruiting Magistrates and other personnel in child rights and related disciplines, like sociology, child psychology, ADR and peace studies, are crucial in ensuring that "in juridical terms and in practice", the Child Rights Act takes precedence over other laws. The State Party also notes the budgetary requirements in implementing the Child Rights Act and related legislations like the Sexual Offences Act, Devolution of Estates Act and so forth especially at the decentralized Local Council and chiefdom levels, where Child Welfare Committees and Child Panels are required. The State Party commits itself to allocating necessary resources and increased personnel to implement of the Child Rights Act.

68. Regarding the CRC Committee's observation in its concluding observations on the State Party's report on OPSC on legislation, the State Party asserts that, even though trafficking in persons in not strictly synonymous with the sale of a child, the definition of "exploitation" in section 2 subsection 3 of the Anti-Human Trafficking Act (2005) is broad enough to cover any act or conduct amounting to the sale of a child. According to the said section, exploitation, inter alia, includes "keeping a person in a state of slavery"; "subjecting the person to practices similar to slavery"; "compelling or causing a person to provide forced labour or services"; "keeping a person in a state of servitude, including sexual servitude"; "exploitation of the prostitution of another"; "engaging in any form of commercial sexual exploitation..." etc. In any case, the Line Ministry working with Partners, like FAAST and UNICEF, is reviewing the Act with a view to broadening and strengthening its mandate. The right of a child to grow with its parents and to protect the child from exploitative labour[41] are broad requirements that could address safeguards against transactions involving children.

2. Coordination and Cooperation with Civil Society

69. The State Party also notes the recommendation of the CRC Committee to set up "a high-level body responsible for coordination of activities on child-related issues and that it ensures that [such] body has the adequate financial and human resources to carry out its role efficiently". The State Party again notes the recommendation by the Committee for capacity to be given to local NGOs and to cooperate with Civil Society Groups in order to widen the scope of the Line Ministry's operations. The State Party states in response that the National Commission for Children (NCC), being an entity created by the Child Rights

[41] See sections 25 and 32 of the Child Rights Act.

Act, is itself in the process of formation. Its members have been nominated and are awaiting Presidential and Parliamentary approval as well as required logistical support to commence work. The Commission and its Commissioner and Deputy Commissioner shall be persons qualified to run the activities of the Commission professionally, including the supervision and monitoring of matters pertaining to the implementation of the Child Rights Act, in the best way possible. The State Party shall seek ways of improving the capacity of especially local NGOs and Civil Society Groups in order to strengthen their partnership with the Ministry and to appropriately collaborate with them.

70. Regarding the CRC Committee's observation in its concluding observations on the State Party's report on OPSC and OPAC concerning coordination of matters pertaining to the two Protocols, the State Party acknowledges the constraints of the Line Ministry in implementing coordination, networking and monitoring activities relevant to OPSC and OPAC. The State Party asserts that, when the NCC becomes fully operational, it will address most of these technical issues as well as give professional and related support to the work of the Line Ministry. Notwithstanding that, the State Party is committed to providing resources and training to officials of the Line Ministry to make them proactive.

3. National Plan of Action

71. The State Party further notes the recommendation of the CRC Committee on preparing a National Action Plan for Children that takes into account the outcome of the World Fit for Children document adopted by the General Assembly at its special session for children in May 2002 and its mid-term review of 2007. The State Party also notes the need to fully finance and adequately monitor the implementation of the said Plan of Action as well as the "Accelerated Call for Action" adopted by State Parties during the mid-term review of the "Africa Fit for Children" meeting held in Cairo in November 2007. The State Party accordingly commits itself to these undertakings and states that it will especially work with the NCC and the Line Ministry to draw up a National Action Plan for Children in Sierra Leone and implement its goals, programmes and objectives.

72. In similar vein, the State Party shall incorporate in the above National Action Plan policies, action points and programmes that will lead to the full realization of OPSC in Sierra Leone as well as OPAC nationally. In the meantime, the Line Ministry is, together with its Partners, developing various Action Plans to enhance its works, such as the Draft National Strategic Plan (aimed at mapping out the Ministry's potentials, goals and targets within an achievable time frame); the Draft National Action Plan for the Elimination of the Worst Forms of Child Labour (2013-2016) developed by the Ministry of Employment and Industrial Relations; and the Draft National Child Justice Strategy for Sierra Leone (2013-2017) developed by the Justice Sector Coordination Office.

4. Independent Monitoring

73. The State Party also notes the recommendation of the CRC Committee on the requirement for independent monitoring of the implementation of the CRC by the Human Rights Commission for Sierra Leone (HRCSL) in accordance with the Paris Principles. While the State Party recognizes this thoughtful recommendation, it is recognized that assigning monitoring and evaluation of child rights and wellbeing matters to HRCSL when the Child Rights Act has already created the NCC pending its operationalization will duplicate functions and make the HRCSL less effective, even though it gives minimal coverage to child rights and welfare issues in its annual reports. The State Party notes that the Committee's recommendation herein may be born out of frustration at the delay in setting up the NCC which, like the HRCSL, is a body corporate with independent powers

and can sue and be sued.[42] The State Party accordingly undertakes to expedite the NCC's formation and operation nationally.

74. The State Party accordingly notes that the above position is also carried in the respective recommendations of the CRC Committee's concluding observations on the State Party's reports on OPSC and OPAC that the NCC be established expeditiously and that it acts independently in line with the Paris Principles Relating to the Status of National Institutions. The NCC will act in coordination with HRCSL.

5. Allocation of Resources

75. The State Party significantly notes the respective recommendations of the CRC Committee's concluding observations on the State Party's reports on CRC, OPSC and OPAC regarding limited budgetary allocation to the Line Ministry for the implementation of its mandate as well as issues relating to corruption and lack of budget expenditure tracking in the Ministry. The State Party fully takes this recommendation on board and will strive to increase the budget and staff of the Line Ministry in order to make the Ministry efficient and effective; particularly considering that the Ministry's activities have been mostly supported by its NGO Partners, including UNICEF and other NGOs. The Public Expenditure Tracking Survey system will also be put in place with attendant references to the Anti-Corruption Commission for shortcomings.

6. Data Collection

76. The State Party notes the respective recommendations of the CRC Committee's concluding observations on the State Party's reports on the CRC, OPSC and OPAC on the lack of up-to-date and inadequate data collection coupled with the disappearance of available data on child rights and wellbeing matters kept with the Line Ministry. The State Party fully takes this recommendation on board even though technical and logistical assistance in the form of computers and consultants are provided now and then to the Line Ministry by the State Party and UNICEF. The State Party shall nonetheless increase the budget and staff of the Line Ministry and train its personnel in information gathering and data processing mechanisms in order to make them productive.

7. Dissemination, Training and Awareness Raising

77. Finally, under the rubric of General Measures of Implementation, the State Party notes the respective recommendations of the Committee's concluding observations on the State Party's reports on the CRC, OPSC and OPAC regarding the lack of training and limited dissemination of child protection and promotion issues save the State Party's efforts at raising awareness on provisions of the Child Rights Act and the CRC through sensitization campaigns and regular training programmes conducted for CP-Com members. The State Party further notes the need to increase training of staff in the Line Ministry and among its CP-Com Partners in order to disseminate ideas and information as well as sensitize the public on child protection and development issues. The State Party especially acknowledges that the Line Ministry has, with support from key Partners such as UNICEF, Plan International and Justice Sector Development Programme (JSDP), simplified and disseminated the Child Rights Act into lucid English absenting technical terminologies. The Line Ministry will increase its cooperation with the Child Forum Network (CFN) in conducting community sensitization among peer groups via radio.

[42] See sections 4 to 6 of the Child Rights Act, 2007.

III. General principles on the CRC and its Optional Protocols (Compliance with Articles 2, 3, 6 and 12 of the Provisions of the CRC)

A. Non-Discrimination

78. The State Party notes the observation of the CRC Committee on the need to remove discriminatory provisions from the Statute Books of the country, including in particular discriminatory laws relating to women and children contained in section 27 (4)(d) of the State Party's 1991 Constitution touching and concerning personal laws like adoption, marriage and divorce, burial and property rights relating to devolution of estates and inheritance rights. The State Party is aware of the requirement for law reform and attendant referendum to alter/reform the Constitution in this and other regards.

79. However, the State Party reports that several recent legislations have been enacted which deeply undercut the provisions of the Constitution regarding personal customary law, even though the Constitution remains the fundamental law. Section 27 of the Child Rights Act, for example, states that "no person shall deprive a child of reasonable provision out of the estate of a parent, whether or not born in wedlock". Also, the Sierra Leone Citizenship Act (1973) has been amended to grant not only dual citizenship to Sierra Leoneans falling into that category but to also grant citizenship by birth to a child directly through his/her mother to the extent that the term "person of Negro African descent" through whom citizenship is gained in the legislation is now construed as "a person whose mother or father and any of the grand parents of the mother or father is or was a Negro of African descent".[43]

80. Moreover, the Persons with Disability Act, 2011 (Act No. 3) has been enacted for the establishment of "the National Commission for Persons with Disability, to prohibit discrimination against [them], achieve equalization of opportunities for [them] and to provide for other related matters". The National Commission for Persons with Disability has been established by government. Furthermore, according to the Persons with Disability Act above, persons with disability, including children with disability, shall enjoy the following rights: right to free education, protection from discrimination in educational institutions, provision of free medical services, compulsory screening at health centres, and, inter alia, prohibition of denial of employment and protection from discrimination in employment.

81. Additionally, the Devolution of Estates Act, 2007 (Act No. 21) makes ample provision for surviving spouses, children, parents, relatives and other dependents of a person who has died testate or intestate to benefit from that person's estate. The definition of "child" in the Act includes "any child born to the deceased while the deceased was unmarried and recognized by the deceased as his child"; "any child born to the deceased while the deceased was married and the other parent of the child was or is the lawful spouse of the deceased"; "any child born to the deceased while the deceased was married and the child in question was recognized by the deceased and his spouse as the child of the deceased"; and "any child adopted by the deceased under any applicable law". Also, the definition of "spouse" is further defined in the Act to include an unmarried woman who has cohabited with an unmarried man or vice versa as if they were in law husband and wife for a period of not less than five years immediately preceding the death of either of them. The National Social Security and Insurance Trust Act (the NASSIT Act, 2001), similarly makes

[43] See section 2 of the Sierra Leone Citizenship (Amendment) Act, 2006 (Act No. 11).

widows/widowers and their children as primary beneficiaries to benefits due survivors of a deceased NASSIT Pensioner.

82. Besides, in order to provide for the development, wellbeing and education of especially the girl child, section 34 of the Child Rights Act, prohibits any form of marriage, betrothal or dowry transaction with a person below 18 years. The Education Act (2004) makes basic education (i.e. primary and junior secondary schooling) compulsory for every child, to the extent a parent who neglects to send his/her child to school for basic education commits a penal offence at law.[44] Moreover, the Statutory Instrument setting out the assumption of functions by Local Governments, to wit, "Local Government (Assumption of Functions) Regulations, No. 13 of 2004" is founded on the core principle of non-discrimination to ensure and maintain government's decentralized but equal treatment of men, women and children everywhere.

B. Best Interests of the Child

83. The State Party notes the observation and recommendation of the CRC Committee on the need to appropriately integrate the principle of the best interests of the child into all actions, including governance actions regarding budget allocation, legal provisions and judicial and administrative decisions, projects and programmes that impact on children. The State Party asserts that its Free Healthcare initiative for children aged under five and pregnant and lactating mothers as well as its endeavours to leverage and enhance access to education for every child illustrate its determination to uphold the best interests principle.

C. Right to Life, Survival and Development

84. The right to life is a fundamental right entrenched in the 1991 Constitution of Sierra Leone. Though subject to certain judicial qualifications and restrictions, the right to life for children (i.e. persons below 18 years) and pregnant women is inalienable and legally protected.[45] To this end, the Child Rights Act provides that "every child has the right to life and to survival and development to the maximum extent possible"; primary responsibility for the enjoyment of this right is placed on the parents/guardian of the child to be assisted by the State Party in case of need.[46]

85. The State Party also notes the observation and recommendation of the CRC Committee on the issue of child survival and development and food security. High records of infant and maternal mortalities within the country despite their reduction over the years coupled with high teenage pregnancies, low nutrition levels among children, the need for further improvement to accessing clean water both in the urban and rural areas and the high rate of poverty affecting women and children nationally as highlighted in UNICEF's *Situation Analysis of the Status of Children in Sierra Leone, 2011*, are disturbing realities when pitched against the sustained endeavors by the State Party to improve the lives and livelihood of its people. The State Party shall therefore continue to engage and energize the second priority in its PRSP II (Agenda for Change) development scheme aimed at increased agricultural production, especially among the rural poor small farm-holders; promoting diversified commercial agriculture through the private sector and improving agricultural

[44] The Education Act, 2004 – section 3. Section 4 of the Act deals primarily with non-discrimination principle.

[45] Sections 215 and 216 of the Criminal Procedure Act (1965) prohibits the application of death penalty to children and pregnant women.

[46] Child Rights Act, section 23.

research and food management systems; as well as, inter alia, efficiently managing and exploiting the country's fisheries and marine resources.

86. The State Party recognizes that its School Feeding Programme coordinated by the Ministry of Education, Science and Technology (MEST) has benefitted 252,582 pupils, of which 122,673 are girls and 130,157 are boys, in a total of 1,365 World Food Programme (WFP)-assisted schools nationwide.[47] The Line Ministry will also continue to engage its CP-Com Partners in providing additional food/nutritional support to pupils at all levels.

D. Respect for the Views of Children

87. In response to the observation and recommendation of the CRC Committee on the need to implement Article 12 of the CRC, the State Party maintains that she has demonstrated continued respect for the views of children at all levels, both in terms of free expression through various media and in terms of ensuring that those views are noted, respected and, where appropriate, incorporated into national plans, policies and programmes. CFN aforementioned, comprising a group of 35 children between the ages of 12 and 18, produced and presented its own version of the country report on Children to the CRC Committee in 2006 entitled "This is the way we see it".[48] In the said Report, the children are said to have interviewed and administered 4,000 questionnaires – 3,000 among school children and 1,000 among children who have not been to school in 10 out of the 12 districts in the country. Among the key areas covered in the Report (education, health, child labour, child sexual abuse and exploitation, and children's participation in issues), education was selected as key priority for child development, followed by health. CFN lamented that at home, in the community and at school, children are not involved in decision-making and expressed their desire to participate in especially matters concerning their overall welfare.[49]

88. The State Party reports that the Line Ministry has continued to engage children at various fora, working especially with CFN on child protection and advancement matters. CFN continues to operate radio programmes nationally, expressing their views on major issues affecting their rights and wellbeing. The Child Rights Act was also simplified by the Ministry's Partners (UNICEF and JSDP) for easy comprehension by children.

IV. Civil rights and freedoms (Compliance with Articles 7, 8, 13-17 and 37(a) of the Provisions of the CRC)

A. Birth Registration

89. The State Party takes into consideration the observation of the CRC Committee on birth registration and is pleased to report that, through the Free Health Care Initiative (FHC-I) and other ongoing birth registration processes, the total birth registration for children below five years of age has improved from 48% in 2005 to 78% in 2010.[50] The

[47] Draft Report of the Social Protection Working Group on Pillar Six of Government's PRSP III (2013-2017), p. 10 (food aid) with modification by data collected from the Ministry of Education's School Feeding Coordination Unit.

[48] First report of Sierra Leone for the Committee on the Rights of the Child in Geneva, 2006.

[49] See p. 11 of the Report, "This is the way we see it" (2006).

[50] The UNICEF Situation Analysis of the Status of Children in Sierra Leone, December 2011, pp. 29-30 quoting Statistics Sierra Leone, 2010 Multiple Indicator Cluster Survey Report.

FHC-I has also helped in eradicating one of the fundamental causes of low birth registration, to wit, lack of knowledge on how to register children. Today, birth registration is as high in the provincial districts as it is high in the country's western area.

90. The State Party reports that the Child Rights Act provides as a matter of law that "each parent shall be responsible for the registration of the birth of their child and the names of both parents shall appear on the birth certificate except when the father of the child is unknown to the mother".[51] In the above regard and noting further that the right to name and nationality begins with birth registration, an assessment of the Birth Registration system was done in 2010 and a national strategic plan developed to address the issues identified at all levels. Training of births and deaths registrars is also a key requirement in ensuring proper registration and record-keeping of births and deaths statistics nationally. The Birth and Death Registration Act of 1983 was also reviewed and a Births and Deaths Policy drafted.

B. Corporal Punishment

91. The State Party notes the CRC Committee's observation and recommendation on the practice of corporal punishment at homes, Schools and other institutions even though the Child Rights Act has repealed the practice (at section 33 (3) of the Act). The State Party also recalls the report by UNICEF that in 2010,[52] 81.7% of children between 2-14 years of age were subjected to at least one form of psychological or physical punishment by their mothers, caretakers or other household members, down from 92% in 2005.

92. The State Party undertakes to raise further national awareness on the repealing of the Corporal Punishment Act (Chapter 41 of the Laws of Sierra Leone) as well as the prohibition of practices akin to corporal punishment at homes, schools and correctional institutions for children. The State Party similarly notes the provision in the Child Rights Act on "justifiable correction" that is reasonable in kind and degree and commensurate to the age, physical and mental condition of the affected child.[53] Justifiable correction will enhance alternative disciplines consistent with the human dignity of children.

C. Follow-up to the report of the independent expert for the United Nations study on violence against children

93. The State Party notes the CRC Committee's observation and recommendation on prioritizing the elimination of all forms of violence against children as well as using the recommendations of the report of the independent expert for the United Nations study on violence against children (A/61/299) as a tool for action, working with civil society, the Line Ministry's CP-Com Partners and children to secure the protection of children against violence.

94. To the foregoing end, the State Party indicates that she has outlawed all forms of violence against children by enacting the Child Rights Act, which, as noted, repeals corporal punishment and protects children from "torture or other cruel, inhuman or degrading treatment or punishment, including cultural practice which dehumanizes or is injurious to the physical and mental welfare of a child" and prohibits the treatment of "a

[51] Child Rights Act, 2007 – section 26 (4).

[52] The UNICEF Situation Analysis of the Status of Children in Sierra Leone, December 2011, ibid, p. 33.

[53] Child Rights Act, 2007 – section 33 (2).

disabled child in an undignified manner";[54] the Domestic Violence Act, 2007 (Act No. 20), which provides legal protection for victims of domestic violence, including women and children, against "domestic violence" – namely, physical or sexual abuse, economic abuse, emotional, verbal or psychological abuse, sexual harassment and intimidation, and any conduct that is harmful to the health, safety and wellbeing of the victim; the Anti-human Trafficking Act, 2005, which outlaws and punishes all forms of human trafficking both within and across the State Party; and the Sexual Offences Act, 2012, which consolidates sexual offences generally and increases the penalties for their infringement. The State Party's MEST has also regulated the ethical and related behaviors of teachers by producing, with support from NGO Partners, the Code of Conduct for Teachers and Other Educational Personnel in Sierra Leone, August 2009.

95. The Line Ministry undertakes to work with its CP-Com Partners, including the Police and local and international organizations, to implement and monitor the implementation of the foregoing legislations as well as document relevant occurrences and events.

V. Family environment and alternative care (Compliance with Articles 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 and 39 of the CRC

A. Family environment

96. The State Party equally notes the comments and recommendation of the CRC Committee on the need for the State Party to take all necessary measures to ensure the allocation of appropriate financial and other support to the Line Ministry and Local Authorities in order to support parents and guardians exercise their responsibilities to their children and wards. The State Party undertakes to provide appropriate logistical support to the Line Ministry in this regard and shall also put required mechanisms in place towards the creation of a Trust Fund into which a proportion of proceeds from non-renewable resources could be put for a period of thirty years in order to support and advance child rights and welfare, pursuant to section 40 (2) of the Child Rights Act.

B. Children without Parental Care

97. In responding to the observation and recommendation of the CRC Committee on children without parental care, inclusive of those orphaned by HIV/AIDS, the State Party reiterates the preparation of the "National Alternative Care Policy for Children", inter alia, to "guide Government, NGOs and communities on the protection of children involved in adoption processes, fostering, independent living or [those] living in children's homes". Also, the Line Ministry's Alternative Care Committee (which replaces the Task Force on Orphans and Other Vulnerable Children) has continued to monitor the situation affecting orphans and other vulnerable children, including internally displaced and trafficked children, in view of their exposure to higher levels of abuse, minimal or non-education and exploitation. The State Party, however, views with concern the report by UNICEF that as at 2010 about 22% of children aged 0-17 years are estimated as not living with a biological

[54] Ibid, sections 33 and 30.

parent and that the proportion is higher in urban locations compared to rural ones.[55] The State Party undertakes to fully address this.

98. Regarding the treatment of HIV/AIDS, the State Party notes the improvements made in treating/responding to the epidemic considering UNICEF's account of the fact that "there was an improvement in the number of people living with HIV receiving Anti-Retroviral (ARV) treatment from 295 in 2005 to 3,660 in 2009 while [the] number of treatment sites increased from 16 in 2005 to 116 in 2009".[56] However, the State Party is gravely concerned at reports that while about 52% of adults receive ARV treatment, only about 5% of the children who require ARV were receiving treatment as at 2010; and that about "12.8% of children aged 0-17 years had one or both parents dead" with the prevalence level higher in the urban areas.[57] The State Party, however, states that the HIV/AIDS Secretariat has, with support from Global Fund organization, supported the continued treatment of all categories of HIV/AIDS affected persons, including children.

99. Besides, apart from operating the HIV/AIDS Secretariat under the supervision of the Office of the President for several years with decentralized levels of operation in the rural areas, the State Party enacted the Prevention and Control of HIV and AIDS Act, 2007 (Act No. 8) to "provide for the prevention, management and control of HIV and AIDS, for the treatment, counselling, support and care for persons infected with, affected by or at risk of HIV and AIDS infection and for other related matters".[58] The Act requires Local Councils to provide community-based HIV prevention and care services within their localities in collaboration with government agencies, NGOs and persons living with or at risk of being infected with HIV/AIDS. It also requires Government to make livelihood and self-help and cooperative programmes available and accessible to persons living with the disease and to explore the possibility of providing insurance coverage for them.[59] The Line Ministry is thus collaborating with the HIV/AIDS Secretariat in reaching out to orphans and children affected by the spread of the epidemic through a focal person attached to the Secretariat.

C. Residential and Foster Care

100. The State Party notes the CRC Committee's comments and recommendation the residential and foster care and is alive to the staff and budgetary constraints faced by the Ministry in conducting periodic checks on various care placements. Notwithstanding, available staff and personnel at the Ministry are guided by provisions in the Child Rights Act on fostering and institutional/residential care placement. Section 105 of the Act deals with foster-care placement while Part VII deals with institutionalized care and related matters. In particular, it is provided that a committee comprising a probation officer, social welfare officer, the person in charge of an approved residential home and two other individuals from the community having interest in the welfare of children and selected by the District Council can place a child with a foster parent who is above 21 years, is of high moral integrity and is willing to care for the welfare of the child in need of care.[60]

101. Also, in the case of approved residential homes, the Child Rights Act provides that the Government may establish such homes for the care of children in areas which the Minister responsible for the Line Ministry may determine and that the District Council shall

[55] Situation Analysis of the Status of Children in Sierra Leone, December 2011, p. 33.
[56] Ibid, p. 18.
[57] Ibid, p. 19.
[58] See the short title of the Act.
[59] See sections 17-20 of the Act.
[60] Child Rights Act, 2007, sections 105-107.

monitor and inspect the homes within its area of authority.[61] The Line Ministry further reports that in 2008, a research entitled "Mapping of the Residential Care Facilities for Children in Sierra Leone"[62] was undertaken with the following key findings:1) that no national guidelines existed for the operation of a total of 48 residential homes for children (with 14 in the western urban area, 19 western rural area; 7 in the northern province; 6 in the southern province and 2 in the eastern province); 2) that care at the homes was poor with no family tracing by care-givers or care review initiatives even though the homes had a total of 1,871 children; and, inter alia, 3) that a number of the residential homes were unlicensed and that the Line Ministry was unable to effectively monitor the said homes. In order to address this grim situation, the Line Ministry produced the *National Alternative Care Policy for Children* to address the needs of children in approved residential homes by establishing minimum standards for their operation as well as train appropriate personnel to monitor and report on such homes. In a further bid to address the situation, the Line Ministry conducted a national assessment of residential homes with the support of the Local Councils in the affected area between 2009 and 2011 and reunited 360 children with their families. The residential homes found to have defaulted by operating below the minimum standards were given deadlines to stop operations.

D. Adoption

102. The State Party notes the recommendations of the CRC Committee under this rubric, acknowledging that the Adoption Act of 1989 is out-of-date and in need of review. In this regard and following "Government's White Paper on the Findings and Recommendations of the Justice Showers Commission of Inquiry on the HANCI-MAPS Adoption" issued under the hand of the Attorney General of Sierra Leone on the 13 April, 2012, the State Party undertook to take appropriate measures to review the Adoption Act and accede to the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. This includes ensuring that where the child to be adopted is capable of understanding the adoption process, his/her opinion shall be considered before the decision on the adoption is taken. The State Party adopted the recommendations of the Justice Showers Commission of Inquiry in the following manner:

i) That application for leave to take an adopted child out of Sierra Leone made to the High Court is to be granted only on cause shown to the satisfaction of the Court;

ii) That adequate provision be made to ensure that the safeguards provided in the Adoption Act are respected and honored in cases where inter-country adoption applications are made and that such applications conform with the procedural requirements provided for in the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, for inter-country Adoption;

iii) That the Government be obliged to enter into bi-lateral or multi-lateral arrangements with other Governments who are signatories to the Convention to enhance collaboration with the competent authorities of those States;

iv) That Government takes all appropriate measures through public bodies to provide adequate information on the law regulating adoption in Sierra Leone, to the various communities in the country;

v) That adequate preventive provision is made in the new Adoption Bill to act as deterrent for those likely to contravene the adoption law;

[61] Child Rights Act, Part VII.

[62] By David F. M. Lamin, with sponsorship from UNICEF.

vi) That adequate steps be taken by Government or other public bodies to promote the development of adoption counselling and post-adoption services or measures;

vii) That provision should be made in the Adoption Bill for a social worker or, in the case of adoptees living outside Sierra Leone, the Sierra Leone Embassy, to monitor adoptees to ensure that their welfare is being catered for;

viii) That the persons whose consent is necessary for any adoption are sufficiently counselled and informed of the effect of their consent and in particular that the adoption will result in the termination of any legal relationship between them or their relatives as applicable and the children;

ix) That all adoptions are to be done in the best interest of the children;

x) That penalties for contravention of a provision of the Bill be strengthened to serve as a deterrent;

xi) That in the event that placement agreement provided for in the Bill is entered into with Sierra Leoneans not habitually resident in Sierra Leone, provision should be made for the supervision of the placement of the child involved in the applicant's country;

xii) That the Bill should provide for the preparation of a report on the adopted child to establish his/her adoptability and also the background, social environment, family history, medical history and any special needs of the child prior to the application for the adoption of the child; and

xiii) That a central authority (or regulatory or supervisory body) be established by the Bill in accordance with Part IV of the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

E. Child Abuse and Neglect

103. Regarding the observations and recommendations of the CRC Committee on the abuse and neglect of children in Sierra Leone, the State Party reports that, as indicated in this report, she has enacted recent legislations like the Domestic Violence Act, 2007 and the Child Rights Act and also is in the process of passing the Sexual Offences Act, 2012 to deal with child abuse, neglect and abandonment, with stringent penalties attached thereto.[63] The State Party notes the necessity for a mandatory reporting system in order to curb abuse and violence against children and promote their wellbeing. In particular the Line Ministry works with the FSU of the Sierra Leone Police in investigating and prosecuting the ill-treatment and neglect of children as well as to initiate processes leading to the payment of child support and maintenance for children whose parents are separated or divorced from each other. The Ministry also works with CP-Com Partners, like Don Bosco International, the Rainbo Centre for Children and Defence for Children International Sierra Leone section towards the rehabilitation of child victims.

[63] The Prevention of Cruelty to Children Act (chapter 44 of the Laws of Sierra Leone, 1960) criminalizes the ill-treatment, neglect and abandonment of children.

VI. Basic Health and Welfare of Children (Compliance with Articles 6, 18 (para. 3), 23, 24, 26 and 27 (paras. 1-3) of the CRC)

A. Children with Disabilities

104. The State Party equally notes the observations, concerns and recommendations of the CRC Committee on the needs of children with disabilities within the State Party and in response notes as follows:

i) That in terms of legislation, the State Party states that she, in 2008, became a party to the Convention on the Rights of Persons with Disabilities and that, in 2011, she passed into law the Persons with Disability Act already referred to in this report, which provides for the setting up of a National Commission for Persons with Disabilities and which has now been established, achieve equal opportunities for them, set up a National Development Fund for them in line with the Act, and, inter alia, provide for their basic rights and welfare, including their right to free education and facilities for learning, protection from discrimination in educational institutions, provision of free medical services for them, compulsory screening at health centres as may be appropriate, and, inter alia, prohibits their denial of employment and grants them protection from discrimination at work. Other complementary laws enacted to give effect to the welfare of the disabled also include, the Child Rights Act, which prohibits the treatment of disabled children in an undignified manner; the National Youth Commission Act, 2009, which as noted in this report creates the National Youth Commission to empower youth to develop their potentials, creativity and skills for national development; the Prevention and Control of HIV and AIDS Act, 2007, which, among other things, provides for the treatment, counselling, support and care for persons infected with, affected by or are at risk of infection by HIV and AIDS; and the National Drugs Control Act, 2008, which deals with control and prevention of abuse of narcotic drugs and related issues;

ii) That the Special Needs Education Unit for the establishment of Special Schools in MEST, supported by the Leonard Cheshire Home institution, has prepared a six-module curriculum for the training of teachers in teaching pupils with disabilities, set up a computer and braille training centre, and provided quarterly subventions to 12 Special Schools as well as braille textbooks for four primary schools. Also, the University of Makeni in Sierra Leone reportedly trains teachers and researchers on special needs courses. The Line Ministry is similarly in the process of putting together the National Policy for the Protection of Persons with Disabilities;

iii) That apart from integrating protection of children with disabilities into mainstream issues affecting children generally, especially those with vulnerabilities, the State Party is working assiduously towards establishing a National Commission and a National Development Fund for Persons with Disabilities in line with the Act and within the country's budgetary limits;

iv) That the State Party, together with its CP-Com Partners, undertakes to continue to carry out awareness and sensitization campaigns about the rights and special needs of children with disabilities as well as train and recruit professional staff to develop their potentials and protect their rights as well.

B. Right to Health and Access to Health Services

105. The State Party additionally notes the deep concerns and recommendations for improvement of the health sector and health services for children nationally, and asserts that, since the introduction of FHC-I by the Government in April 2010, drastic efforts have been made and far-reaching activities undertaken to change the gloomy health climate for children and mothers, especially under five children and pregnant and lactating women. To this end, the State Party notes the following improvements to the health sector and delivery services:

i) That as at 2011, 1,206,224 under-five children had benefitted from the FHC policy (including 605,225 males and 600,999 females).[64] To this end, UNICEF reported that as at 2010, under-five mortality had declined from 267 deaths in 1,000 live births in 2005 to 217 deaths in 1,000 live births.[65] This figure is in fact expected to show drastic reduction in view of greater successes in the FHC programme;

ii) That also as at the year 2011, there was 61% reduction recorded in maternal case fatalities and 45% increase in health facility delivery at community level, even though there existed a 150% increase in maternal complications, which were fully managed by the FHC programme. Also, women making at least one ante-natal care consultation increased by 35% within the first 12 months of the introduction of the FHC policy, compared to the previous year (2009);[66]

iii) That the number of acceptors of modern family planning methods at facilities rose by 1,405 in the first year of the FHC programme; and that the proportion of children who were fully vaccinated before their first birthday during the 12 months of the FHC programme declined to 76% compared to 88% during the pre-FHC programme period;[67]

iv) That by 2011, the proportion of children below five years of age who had been treated with Artesunate for malaria nearly tripled and that the Community-based Management of Acute Malnutrition scheme was provided for 30,000 health beneficiaries.[68] UNICEF also reports that "near-universal coverage with long lasting insecticide treated nets was achieved through the distribution of 3.2 million nets countrywide"; the organization, however, notes that behavioral tendencies by pregnant and lactating women towards the use of the nets show poor, reduced or non-usage by many households in especially the urban areas of the country;[69]

v) UNICEF similarly recorded that there was a dramatic reduction in the case fatality rate for malaria in public hospitals by approximately 90%;[70]

vi) That following the HFI, the total workforce in the public health sector increased from 7,164 in 2009 to 8,125 in 2010, representing a 13.4% increase in the workforce. Notwithstanding this, however, the country still faces critical shortage of midwives, doctors, laboratory technicians and health information officers over and above

[64] Draft Report of the Social Protection Working Group on Pillar Six of Govt.'s PRSP III (2013-2017), p. 10 (on affordable health).

[65] Situation Analysis of the Status of Children in Sierra Leone, December 2011, p. 9.

[66] Draft Report of the Social Protection Working Group on Pillar Six of Govt.'s PRSP III (2013-2017), p. 10, quoting from the *Health Information Bulletin, 2011* – Ministry of Health and Sanitation, Freetown.

[67] UNICEF Situation Analysis of the Status of Children in Sierra Leone, December 2011, p. 21.

[68] Draft Report of the Social Protection Working Group on Pillar Six of Govt.'s PRSP III (2013-2017), p. 10.

[69] Situation Analysis of the Status of Children in Sierra Leone, December 2011, p. 11.

[70] Ibid, p. 21.

the trained and qualified nurses available. To this end too, the health sector has embarked on innovative schemes, such as creating alternative cadres like nurse anesthetists, cataract surgeons, maternal and child health aides as well as contracting doctors and midwives abroad through the South-South Corporation scheme;

vii) In addition to the FHC programme, there has been considerable increase in access to clean water as about 57% of people used improved water sources in 2010 compared to 47% in 2005, with reduced access recorded in certain rural districts like Kambia, Moyamba, Bonthe and Tonkolili.[71] In view of the existing water and sanitation challenges faced, in spite of massive water resources available in the country, the Energy and Water Resources sector, working in accordance with the country's National Water and Sanitation Policy, has targeted 74% of the population for improved drinking water supply and 66% for adequate sanitation by the year 2015.[72]

106. Notwithstanding the foregoing, the State Party is aware that the challenges in the general health delivery sector for especially persons below 18 years are huge. It is noted also that even though the maternal mortality rate in the country has declined to 857 maternal deaths per 100,000 live births, it remains high when compared with the projected Millennium Development Goals targeted record of 450 per every 100,000 live births.[73] The State Party acknowledges as well that the increase in teenage pregnancies nationally is contributing to fatalities among children due to the weak physiological state of the girl mothers, occasioned by under-nutrition with a low body mass index.[74] It is similarly disturbing that chronic malnutrition is reported to persist at 44.4% among under-five children leading to stunted growth.[75]

107. In order to reverse the overall health situation facing the country, including children, the State Party has re-prioritized the health sector in its projected PRSP III or "Agenda for Prosperity". At a projected budget of $1,071,381,948, the Agenda for Prosperity seeks to strengthen integrated healthcare services delivery nationally, improve human resource for quality healthcare delivery, improve drugs and medical technology supply, strengthen health sector governance, strengthen healthcare financing, strengthen monitoring and supervision through health information management systems, and strengthen infrastructural development for effective health service delivery.[76] Also, in order to keep a check on budget allocation and expenditure in the health sector, it is reported that Save the Children, one of the Line Ministry's partner organizations, has introduced a budget tracking and expenditure scheme to sustain the FHI Programme.

C. Adolescent Health

108. The State Party notes the observations and recommendations of the CRC Committee on the above subject and repeats its response under the right to health and access to health services above. In view of the increase in teenage pregnancies, the State Party undertakes to increase awareness among teenage boys and girls, on the merits of condom usage, birth control, family planning and, above all, quality education. An improvement in the quality and quantity of health delivery as estimated under the State Party's PRSP III (Agenda for Prosperity) will curtail adolescent pregnancies and school drop-outs and advance basic

[71] Ibid, pp. 16-17.
[72] Draft Report for PRSP III (2013-2017) – Energy and Water Resources Sector, pp. 2-3.
[73] Ibid, p. 19 & pp. 7-8.
[74] Ibid, p. 9 & pp. 9-16.
[75] Ibid, p. 13.
[76] Draft Report for PRSP III (2013-2017) – Health Sector, pp. 5-10.

education as well. The State Party appreciates sustained efforts by UNICEF and other development agencies in highlighting and reporting the increase in teenage pregnancies and its effects on child survival and development,[77] considering that the concept had long been under-reported. In order to address this situation, the Ministry of Health and Sanitation prepared the "National Standards for Adolescent and Youth Friendly Health Services (2011)" as "a tool to accelerate the implementation of the adolescent health strategic plan" for quality health service provision. Various partner organizations like Christian Brothers working in Pujehun District and the United Nations Population Fund (UNFPA) have respectively focused, inter alia, on reintegrating and training affected children by setting up skills training centres at district level for them as well as supporting law enforcement institutions (like the FSUs) to protect victims from further abuse. The Line Ministry undertakes to continue to conduct national sensitization on preventing adolescent pregnancies and drop-out in schools.

109. With reference to substance abuse, the State Party highlights the enactment of the National Drugs Control Act, 2008, to control and prevent abuse of narcotic drugs and related issues as noted earlier. The establishment of the National Drug Law Enforcement Agency coupled with attendant ongoing awareness-raising and sensitization campaigns on drugs and substance abuse would assist in addressing problems of adolescent health.

D. Harmful Traditional Practices

110. The State Party notes the observations and recommendations of the CRC Committee on the above issue as well as the Committee's acknowledgement of the strides made by the State Party to address, minimize and ultimately eradicate the practice. The State Party asserts that a culmination of recent legislation enacted, including the Child Rights Act – sections 33(1) and 35 of which prohibits the application of degrading and dehumanizing treatment to children, inclusive of cultural practices injurious to the child's physical and mental wellbeing; as well as the Sexual Offences Act (2012), Prevention of Cruelty to Children Act (Chapter 31 of 1960) and the Domestic Violence Act (2007) – all of which criminalize harmful sexual behaviour with children, altogether indicate the seriousness that the State Party attaches to efforts to eliminate harmful traditional practices, like FGM. The 2011 UNICEF 2011 Situation Analysis further states that "there is evidence that the practice [FGM is] slowly losing support, with 72% of the women surveyed in 2010 wanting the practice to continue, compared to 86% in 2005".[78] Thus, even though the practice is high, the indication is that it is gradually losing support among participants.[79]

111. The State Party acknowledges efforts by the Human Rights Commission(HRC) in stopping and outlawing forced initiations of girls into secret societies leading to FGM. In particular it is noted that the HRC, working with partner institutions, succeeded in having certain traditional leaders impose sanctions on the practice and develop by-laws against the forced initiation of persons below 18 years of age in the Bondo/Sande societies.[80] The

[77] See the UNICEF-sponsored report entitled: "A Glimpse into the World of Teenage Pregnancy in Sierra Leone", June, 2010 by Emilie Coinco (Consultant); and the research-based study entitled: "An Ethnographic Study of Community-Based Child Protection Mechanisms and their Linkage with the National Child Protection System of Sierra Leone", July, 2011 by The Columbia Group for Children in Adversity.

[78] Situation Analysis of the Status of Children in Sierra Leone, December 2011, p. 34.

[79] In 2012, UNICEF undertook a research on the "Factors contributing to the abandonment of Female Genital Cutting in Sierra Leone" by Rebecca Horn (16 October, 2012), which outlined strategies that will aid individuals and families alike to abandon the practice of FGM locally.

[80] HRC Report 2011 entitled "The State of Human Rights in Sierra Leone, 2011", p. 52.

Commission's advocacy and sensitizations on the subject as well as its intervention in having two out of three girls freed unharmed from forced initiation is commendable. The UNFPA also works with women practitioners of FGM (Soweis) to disengage them.

112. The State Party further recognizes that the memorandums of understanding prepared by the Line Ministry and a local NGO, Advocacy Movement Network, and entered into with Paramount Chiefs, the FSUs and child welfare committees in certain Chiefdoms of Sierra Leone covering the Western Area, Kambia, Bo, Kailahun, Bonthe, Pujehun and Port Loko Districts coupled with the Ministry's "National Referral Protocol on Gender-Based Violence (GBV) – Pathways to Service Provision for Victims/Survivors of GBV"[81] (which, inter alia, ensures that "survivors/victims of GBV (inclusive of domestic and sexual violence) receive prompt and coordinated response from service providers" such as free medical care and legal support), have altogether helped in curbing harmful traditional practices against children nationally.

113. In a bid to taking on board the recommendations of the CRC Committee on this subject, the State Party further undertakes to continue to engage practitioners of FGM in seeking alternative livelihoods and pursuing positive traditional and cultural practices that are not injurious or harmful to the child's health and survival. The Line Ministry reports further that children have themselves been involved in the campaign against FGM through the Child Rights Coalition by admonishing FGM practitioners to desist from practices that are injurious to and against the best interests of the child.

E. HIV/AIDS

114. The State Party notes the concerns, observations and recommendations of the CRC Committee on the above subject and in response thereto repeats paragraph 96 to 98 of this report. In particular, the State Party reports that in addition to setting up the HIV/AIDS Secretariat, the operations of which are directly under the Office of the President of Sierra Leone, and enacting as well the Prevention and Control of HIV and AIDS Act, 2007, sustained efforts have been made to control the spread of the disease through sensitization and awareness campaigns as well as to treat and care for victims of and persons affected by the spread of HIV/AIDS, including children and orphans.

115. As noted in the 2011 UNICEF Situation Analysis, the number of treatment sites for preventing mother-to-child transmission of HIV/AIDS grew within the country from 90 in 2006 to 514 in November, 2010; and that the number of pregnant women tested for HIV and got their results increased from 21,127 in 2006 to 99,256 in 2009[82] – being a massive increase showing the extent of sensitization on the subject. Similarly, the HIV/AIDS National Secretariat is statutorily mandated to provide for and/or treat orphans and other children affected by the spread of the disease.

116. Moreover, the following statistical information available from the HIV/AIDS National Secretariat shed further light on efforts made by the State Party to curtail the spread of the disease as well as respond to the treatment of its victims: 1) the number of People living with HIV who received anti-retroviral treatment between 2010 and 2011 increased from 5,978 to 8,115; 2) the number of condoms distributed via the Secretariat increased from 8,973,640 to 13,718,864; 3) the number of pregnant women receiving complete course of ARV prophylaxis increased from 4,201 to 5,332; and 4) the number of

[81] Government of Sierra Leone document prepared by the Ministry of Social Welfare, Gender and Children's Affairs.

[82] UNICEF Situation Analysis, December 2011, p. 18.

HIV/AIDS prevalence among antenatal clinic attendants decreased from a baseline of 3.5% in 2009 to a baseline of 3.2% in 2011. The State Party continues to urge the HIV/AIDS National Secretariat to fulfil its mandate and take on board the concerns and recommendations of the CRC Committee.

F. Standard of Living

117. On this subject, the State Party states that improvement in the standard of living of every Sierra Leonean remains the key priority of both the Agenda for Change (PRSP II) covering the period 2008-2012 and the Agenda for Prosperity (PRSP III) covering the period 2013-2017. The State Party hopes to achieve this objective by focusing on the fourth key priority of Government in its PRSP II, namely, to "ensure sustainable human development through the provision of improved social services". The Government is also working assiduously to reduce youth employment estimated at 70% to the barest minimum level. It is projected that pro-poor growth in the agricultural and fisheries sectors, being the second key priority of Government's PRSP II, will increase nutrition levels among children, enhance food security and the quality of basic education as well.

118. On the question of the provision of adequate maintenance fees and unfair conditions for the receipt of such fees for abandoned or separated wives and their children, the State Party undertakes to review the existing legislation on maintenance and enact new laws to reflect current trends. The Line Ministry's Family Casework Unit mediates between disputing parties with a view to providing satisfactory maintenance for affected children.

VII. Education, Leisure and Cultural Activities (Compliance with Articles 28, 29 and 31 of the CRC)

Education

119. The State Party notes the observations and recommendations of the CRC Committee on the education for children within the country and in response thereto states as follows:

i) That the enactment of the Child Rights Act further reinforces provisions in the Education Act, 2004 on the right to education and compulsory primary enrolment;

ii) Noting that only about 5.5% of children attended the first grade of pre-school in 2010 and that only 13.9% of children between 3 and 5 years were attending any form of organized early childhood education as reported by UNICEF,[83] the Line Ministry and MEST are urged to increase awareness among parents, guardians and the public at large on the advantages of pre-primary education for their children;

iii) There is increased access to and completion of primary school, especially by girls and out-of-school children through the construction by Government of about 100 primary and 30 junior secondary public schools, in addition to the existing structures. The State Party reports that there is now a near parity in the enrolment levels for girls and boys across the country, with a 9% increase in the primary school completion rate for girls[84] and a gender parity index of 1.04 for boys and girls attending primary schools as at 2010.[85] The Government has continued to pay, through Local Councils, school fee subsidies for primary

[83] Ibid, p. 21.
[84] Draft Report for PRSP III (2013-2017) – Education Sector, p. 2. (Discussion Draft).
[85] UNICEF 2011 Situation Report, p. 25.

schools nationally, which provides for tuition and exam fees and funds the procurement of textbooks and related learning materials;[86]

iv) Notwithstanding late entry into grade one by some children in certain locations, like Koinadugu, and due to their difficult financial circumstances as well, the State Party records a net primary attendance of 74% compared to previous statistics of 69% of children between 6 and 11 years attending primary schools;[87]

v) Also, the proportion of children who reached grade 6 of those who entered grade 1 stood at 93% in the year 2010 with a parity in attendance rate for boys and girls;[88]

vi) Regrettably, however, the attendance and completion rate for children attending secondary school stood at 37% regarding school attendance; 48% for girls and 62% for boys regarding completion at the junior secondary school level; and 18% for girls and 31% for boys regarding completion rate at senior secondary school, in both cases using the proxy completion rate for the 2010-11 National School Census data.[89] This situation is attributed both to drop-outs at schools due to teenage pregnancies and other social factors as well as the low quality of education generally, which altogether continue to impact the overall poor performance of pupils at public exams. Correspondingly, the Ministry of Education has commenced a national curriculum revision exercise and has provided more textbooks for pupils through funds from its development partners (International Development Association/African Development Bank), thereby increasing the pupil/textbook ratio at schools;[90]

vii) MEST is also pursuing capacity improvement programmes to improve the quality of education by developing a Capacity Development Strategy and revisiting the appointment of Ministry Officials to senior level positions. The Education Ministry is also strengthening its Education Management Information System as well as the management of its education records by, for example, producing the Ministry's First School Census Report. It is also about to complete its Teachers' Records Management Improvement Project Report;[91]

viii) Additionally, and as noted earlier, the State Party reports that its School Feeding Programme coordinated by MEST has benefitted 252,582 pupils, of which 122,673 are girls and 130,157 are boys, in a total of 1,365 WFP-assisted schools nationwide;

ix) The State Party set up the Professor Gbamanja Commission of Enquiry in 2009 to assess the state of junior and secondary school education in the country and review the educational system as well. The Commission presented its report to the President in March 2010, advancing several recommendations for the reform of the education system, including the establishment of a Teachers Service Commission and an Institute of Education, the banning of all access courses and the removal of the two-shift system (as the afternoon shift is not conducive for learning), the reduction of subjects from nine to seven to enhance concentration, the banning of extra lessons, the reviewing of performance contracts for Principals, as well as recommending that parents/guardians should monitor their children and wards in and out of school, and that Government should set up a monitoring task force to complement the exercise.[92]

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[86] Ibid, p. 23.
[87] Ibid, pp. 24-25.
[88] Ibid, p. 25.
[89] Ibid, p. 26.
[90] Draft Report for PRSP III (2013-2017) – Education Sector, p. 2. (Discussion Draft).
[91] Ibid, pp. 2-3.
[92] Sierra Express Media Online, published on 7 March 2010, available from

120. The State Party issued a White Paper on 29 July 2010 accepting the following:

a) Restructuring of the educational system from 6-3-3-4 to 6-3-4-4 in order to accommodate early childhood education and better prepare pupils for university or advance education beginning this academic year (2012-2013);

b) Criminalizing the illegal admission of pupils into secondary schools by school authorities, including teachers, principals and head teachers;

c) Phasing out the dual shift system at schools when additional classrooms and facilities would have been developed, and shifting the school hours to 2.30 p.m. with a lunch break of 45 minutes;

d) Maintaining extra-lessons for pupils at school premises but banning syndicate classes held by teachers on such premises;

e) Maintaining payment of examinations for junior and senior secondary school pupils as well as providing textbooks and other learning materials for them; and

f) Banning all access courses for tertiary institutions.[93]

121. The State Party notes that even though the challenges facing the country's education system are huge and diverse, given the country's brutal civil conflict, Government is determined to overcome them constructively. Inherent in these challenges is the need to provide appropriate and adequate science laboratories as well as recreational facilities/play grounds for pupils at schools and parks. Notwithstanding, improvements in education for girls is especially captured in the 2011 UNICEF Situation Analysis as follows: "[t]he Government policy of free education for girls for primary and subsidies for junior secondary school[s] has helped to make education accessible to lower income groups"[94] and that "[i]n several ways, the actual position of girls and women in society has improved. In some places, the role of microcredit and business support for women has contributed to their relative economic empowerment. The value of education for girls is appreciated by more parents, including fathers who dread early dropout and pregnancy of their daughters".[95]

VIII. Special Protection Measures (Compliance with Articles 22, 38, 39, 40, 37(b) and (d), 30 and 32-36 the CRC)

A. Unaccompanied, Refugee and Internally Displaced Children

122. The State Party again notes the observations and recommendations of the CRC Committee on the various protection measures enumerated and with regards to unaccompanied, refugee and internally displaced children, indicates as follows:

i) That all officially internally displaced children have been resettled and re-integrated into society, leading to the dissolution of the National Commission for War-Affected Children in order to give way to the formation of a National Commission for Children (NCC), the formation of which is under way;

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www.sierraexpressmedia.com/archives/6310.

[93] Awareness Times News, 30 July 2010, available from news.sl/drwebsite/exec/view.cgi?archive=6&num=15932.

[94] UNICEF 2011 Situation Report, p. 55.

[95] Ibid, p. 54.

ii) That in order to protect refugee children, separated or unaccompanied minors, the State Party has enacted the Refugees Protection Act, 2007 (Act No. 6), section 9 of which provides special protection to female refugee applicants and separated/unaccompanied minors by granting them the right to a female interpreter and appropriate treatment (in the case of refugee women) as well as the right to an independent and authorized representative to provide for the best interests of separated or unaccompanied refugee children, in addition to other appropriate administrative procedures applicable to them within the country.

B. Economic Exploitation, including Child Labour

123. In response to the CRC Committee's observations and recommendations on the above subject, the State Party firstly, states that it has since the 10 June, 2011 ratified ILO Conventions 138 (on the Minimum Age for Admission to Employment) and 182 (on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour), thus making the State Party effectively one of the many countries to have ratified seven of the fundamental Conventions of the ILO. Moreover, as noted earlier, the Ministry of Labour and Social Security (MLSS) working in collaboration with the Line Ministry is developing a "National Action Plan for the Elimination of Worst Forms of Child Labour (2013-2016)" to address specific forms of labour common among children, including the areas of agriculture (farming), mining (sand and alluvial mining), child prostitution, domestic services and children's involvement in urban/informal economies.

124. Furthermore, the State Party reports that section 32 of the Child Rights Act prohibits subjecting a child to any form of exploitative labour, inclusive of any labour which deprives the child of its health, education or development. The State Party also reports an increase in the number of children involved in child labour who attended school between the periods 2005 to 2010,[96] with UNICEF's statistics showing that by 2010, 76.3% of children affected by child labour attended school out of a total of 49.8% of children involved in child labour.[97] Out of those attending school, 76.1% are male while 76.5% are female. This shows an increased tendency by parents to send their children and wards to school in spite of their economic situations at home.

125. The State Party is particularly concerned that customary law and traditional practices which govern the majority of Sierra Leoneans do not directly abhor child labour. In this regard, by-laws prohibiting various forms of child labour, including child mining, begging, hawking/peddling especially during school hours child prostitution and, inter alia, domestic labour, have been developed at community level. Also, the Mines and Minerals Act, 2009 prohibits and criminalizes the engagement of child labour in the mines by the holder of a mineral right by imposing a fine of $8,000 or its equivalent in Leones and/or a maximum imprisonment term of two years on the license holder.[98]

126. The State Party additionally reports that the Ministry of Labour and Social Security, supported with funds from the European Union, launched the TACKLE (Tackling Child Labour Through Education) Project to deal with/address child labour issues and mainstream them into education for children programmes. This led to the establishment of the Child Labour National Technical Steering Committee to coordinate efforts, policies and programmes on child labour matters. Accordingly, support has been provided by the Committee to local stakeholders like the Freetown City Council, the Employers Federation

[96] UNICEF 2011 Situation Report, p. 31.
[97] Ibid, p. 32.
[98] Section 170 (6) of the Mines and Minerals Act, 2009.

of Sierra Leone and Future for Children, Sierra Leone (a local NGO) to role out by-laws against child employment and labour as well as sensitize the public about the dangers of involving children in hazardous labour at the expense of their education.[99]

C. Street Children

127. Under this rubric, the State Party notes the observations and recommendations of the CRC Committee on the need to adopt and all-embracing "approach, legislation and policy backed, by social action, for all disadvantaged children". In this regard, the State reports that the Line Ministry has been involved in ongoing sensitization programmes aimed at curbing the dangers and threats posed to the survival and wellbeing of street children and other children in need of care and protection. The State Party repeats its submissions in paragraph 96 of this report regarding its efforts at addressing the problems and challenges facing children without parental care, and the National Alternative Care Policy for Children prepared in that respect. The State Party commends the efforts of the Line Ministry's CP-Com Partners, including the Don Bosco Children's Home, HANCI, GOAL and DCI-Sierra Leone, among others, on their several efforts at addressing the street-child phenomenon within the country. In a pilot Project undertaken by the Line Ministry between August 2010 and November 2012 in the Western Area and Makeni (Northern Province), 350 children including 250 boys and 90 girls all between the ages of 10 and 17 were targeted for interim care and reunification with their parents/guardians. Education and placement in residential homes for children prone to street life were, inter alia, identified as long-term remedies to the street children scenario. Also, the National Social Protection Policy is designed to additionally respond to the needs of vulnerable and disadvantaged children, including those on the streets.

128. The State Party is cognizant of the provisions of section 40 (1) of the Child Rights Act on the requirement by "the [Line Ministry to] implement policies and programmes for childcare services to help working parents carry out employment and other work-related obligations and necessary activities without unnecessarily harming the best interests of the child". These policies and programmes are part of a broad set of objectives and goals anticipated in the State Party's PRSP II and III towards the provision of sustainable social services for human development as noted in this report.

129. Accordingly, the State Party increased its support to welfare institutions that mostly cater for the needs of children in need of care and protection or children in difficult circumstances from 349.9 Million Leones in 2010 to 562.0 Million Leones in 2011. Also, the support for child orphans was increased from 79.0 Million Leones in 2010 to 879.0 Million Leones in 2011; while the non-salary non-interest expenditure budget for general services towards children and women by the Line Ministry was increased from 396.3 Million Leones in 2010 to 480.0 Million Leones in 2011.[100] Notwithstanding, the State Party notes the concerns of the Line Ministry that budgeted moneys are often late in coming, hence impacting periodic development programmes outlined by the Ministry.

[99] See Government of Sierra Leone document entitled "Update on TACKLE Project Implementation in Sierra Leone", July 2012 by the Ministry of Labour and Social Services.

[100] For all of the foregoing references, see the UNICEF 2011 Situation Report, p. 45, quoting from the Statement of Fiscal Operations (Consolidated Fund), 2011 produced by the Ministry of Finance and Economic Development.

D. Sexual Exploitation and Abuse

130. In response to the CRC Committee's observations and recommendations on sexual exploitation and abuse of children as well as the Committee's general observations and recommendations on the State Party's report on its implementation of OPSC, the State Party, as indicated in this report, notes that she has, in addition to the Child Rights Act which sets out the minimum age of marriage at 18 and prohibits forceful betrothal and forced/arranged marriages; and prepared the Sexual Offences Bill of 2012 for legislative approval. The said Bill, as already noted in this report, deals with and addresses sexual offences, including those against children, and increases the penalties for infringement. It is hoped that sustained dissemination/sensitization of the contents of the Bill when enacted will help reduce incidents of sexual violence and abuse of children and women as well as curb child prostitution and pornography. The Line Ministry's National Referral Protocol on GBV outlines care and rehabilitative measures accorded victims and survivors of sexual and domestic violence, including affected children. The Protocol also sets out an inter-ministerial and inter-sectorial approach to GBV matters by seeking the cooperation and involvement of key Ministries and institutions like the Ministries of Health, Finance, Education, Internal Affairs, Local Government, the FSUs and, inter alia, the Judiciary and Civil Society Groups in tackling and helping to curb violence against women and children.

131. The State Party reports the Line Ministry has developed and launched the "Sierra Leone National Action Plan on GBV (September 2012)", which highlights various pillars aimed at providing for victims, prosecuting perpetrators and preventing GBV nationally. The State Party also notes the robust handling of sexual offences matters by the Law Officers' Department and the Judiciary of Sierra Leone in recent years. The setting up of the "special courts" at the magisterial and high court levels which sit on Saturdays inclusive to deal with sexual and related offences, especially against children, has led to increased prosecution and timely disposition of such matters. Committal proceedings involving GBV offences now take only a few weeks instead of years as before, while criminal trials for GBV offences at the high court last for a few months only. The State Party additionally reports the recent enactment of the Legal Aid Act, 2012towards complementing the rule of law and providing for indigent persons.

E. Sale, Trafficking and Abduction of Children

132. In similar vein, the State Party notes the observations and recommendations of the CRC Committee on this subject as well as those contained in its consideration of the State Party's report on the implementation of OPSC. In response to the said concerns and in addition to ongoing efforts by the State Party to review and revise the Anti-Human Trafficking Act, 2005 and the Adoption Act, 1989 as well as reinforce implementation mechanisms, the Line Ministry has, in collaboration with Law Enforcement Agencies and its CPN Partners[101], undertaken as follows:

i) On efforts to stop or curtail the trafficking in internally displaced children (IDPs) both regionally and internationally, the Line Ministry has, in collaboration with one of its CP-Com Partners, Faith Alliance Against Slavery and Trafficking (FAAST), set up a centralized data base to document movement of victims, analyze trafficking activities and monitor trends internally and across borders as well. Through this means, the Line Ministry and FAAST reported that in 2010, a total of 34 minors were internally trafficked as against

[101] Such as the Family Support Units of the Sierra Leone Police, and FAAST and UNICEF organizations.

20 in 2009; while 10 minors were trafficked across borders in 2010 as against 3 in 2009. In both cases, domestic exploitation (child labour) and sexual exploitation accounted for more than 75% of child trafficking matters, with victims being mostly between the ages of 11 and 17 years;

ii) The National Task Force against Trafficking in Persons launched in June 2006 by the Line Ministry has also continued to operate and explore strategies that will curb TIP issues. One of the key points of intervention is to increase contacts with grass-root communities and sensitize them about the dangers of trafficking. To this end, FAAST has, in addition to the numerous baseline surveys undertaken and memorandums of understanding on trafficking signed with community leaders, produced and revised a total of six training manuals for volunteers, paralegals, service providers, law enforcement officers and civil society groups on how to identify, respond to and prevent TIP;

iii) Internationally too, the State Party has signed various international Protocols/Instruments on trafficking and shall ensure their timely ratification by Parliament. These Instruments include, the United Nations Convention against Transnational Organized Crime and the Protocol on the Smuggling of Migrants both signed by the State Party in November 2001. Regionally, the ECOWAS Convention on Mutual Assistance in Legal Matters and the Joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons have been and signed; while the African Charter on the Rights and Welfare of the Child was signed and ratified in 2007;

iv) On the common practice of giving away children as wards (the *men pikin* practice) as well as efforts to curb child prostitution, the sale of children and child pornography, the State Party notes that the Line Ministry's National Alternative Care Policy for Children is intended, among other things, to deal with such practices against minors;

v) In order to complement the efforts of the Line Ministry and its Partners on TIP, the State Party undertakes to give added support and capacity to the Line Ministry.

F. Implementation of Juvenile Justice

133. Regarding the CRC Committee's observations and recommendations on the implementation of juvenile justice in the country, the State Party firstly, reports that the National Child Justice Strategy produced in 2006[102] has been revised and updated into the National Child Justice Strategy (2013-2017) with a five-year plan to "coordinate the implementation of child justice reforms" achieved over the years. The Strategy, which was developed through a broad participatory process involving key stakeholders at national and subnational levels, "identifies key strategic outcomes to be achieved in the coming years, and sets out a concrete set of activities needed for incremental reform of the national child justice system, in line with the government's broader justice sector reform plans". The outcomes include measures to prevent juvenile delinquency and violence, reform of the formal justice system, diversion of child offenders and reform/rehabilitation of affected children. Noting further that the jurisdiction of the Family Court (which is yet to be established) is limited to "matters concerning parentage, custody, access and maintenance of children" within the country, amendments shall be made to the Child Rights Act 2007to, inter alia, give a holistic mandate to the Family Court to deal with all matters (civil and criminal) involving or relating to children.

[102] By the Line Ministry and the Justice Sector Development Program in July 2006.

134. The National Child Justice Strategy was essentially designed to fill in the gaps between the existing law(Chapter 44of the Laws of Sierra Leone) and international norms relative to juvenile justice and its administration, to wit, the CRC, the African Children's Charter,[103] Beijing Rules,[104] Riyadh Guidelines[105] and the Havana Rules.[106]

135. Furthermore, and as noted in this report, the Line Ministry has, together with UNICEF and JSDP, developed "Age Assessment Guidelines"[107] to assist social welfare officers, law enforcement agencies and magistrates/judges determine the ages of children within acceptable local and international standards based on their best interests. The Guidelines, when validated, provides minimum benchmarks for proof of age in the absence of a valid birth certificate such as interviews with parents and/or guardians, historical events surrounding recollections of the child's birth, school reports and certificates, and medical and physiological tests on the child. The Guidelines are meant to ensure that an affected child is not criminalized before his/her age is assessed.

136. In spite of the foregoing, the State Party is, however, concerned at the increase in the number of children facing formal hearings in major towns and cities across the country as well as the lack of basic safeguards to protect and promote their interests. The State Party, for example, notes the report by Defence for Children International, Sierra Leone section (DCISL) 2010 that between 2007 and 2009, cases of children facing formal hearings increased from 3,678 to 5,309[108].The Line Ministry similarly reports that in the year 2010, 376 boys and 52 girls passed through the Remand Home (a transitory home for child offenders), while 580 boys and 39 girls were recorded for the year 2011.

137. The State Party also notes with concern the slow pace, and sometimes lack of, formal judicial hearings in some parts of the country where the required panel for a functional juvenile is unavailable. It is recognized that this situation, coupled with the limited nature and extent of rehabilitation programmes at the Approved School and Remand Homes in Freetown and Bo, create an unsatisfactory picture of the juvenile justice situation in the country even where the Child Rights Act has increased the minimum age of criminal responsibility to 14 years.[109] In this regard, and in order to address the fundamental concerns and observations of the CRC Committee in its above-mentioned concluding report, the Line Ministry and its Partners have identified the following intervention areas:

i) To use the Remand Home and Approved School as places of last resort for the detention and reformation of the juvenile, and to equip such institutions in a manner that they can respond to necessary cases. Diversionary programmes through Alternative Dispute Resolution systems for less serious offences shall be utilized;

ii) To approve and implement the use of the Age Assessment Guidelines at all levels;

iii) To enforce strict observance of the minimum age of criminal responsibility set out in Child Rights Act (14 years) and provide alternative remedies for child defaulters below the minimum age who offend or get involved in criminal activities;

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[103] African Union Doc. CAB/LEG/24.9/49 (1990); entered into force 29 November 1999.
[104] The United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985.
[105] The United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990.
[106] The United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990.
[107] Drafted in 2010 and disseminated by the Line Ministry and UNICEF among stakeholders for validation.
[108] Report entitled "Beyond the Law: Assessing the realities of juvenile justice in Sierra Leone", DCISL 2010, p. 17.
[109] Child Rights Act, 2007 at section 70.

iv) To set up one Family Court for all matters affecting children (with a civil or criminal jurisdiction) in every judicial district of the country;

v) To provide regular refresher training for child justice managers, including social workers, FSU Officers, magistrates and justices of the peace, court clerks, remand home and approved school officials and legal practitioners interested in child justice.

G. Protection of Witnesses and Victims of Crimes

138. The State Party recognizes that child justice cannot be fully and comprehensively administered without dealing with the subject of protecting witnesses and victims of crimes, especially for offences of a sexual nature as well as those involving trafficking, sale of children and child labour. The current Sexual Offences Act, 2012 provides for "free medical treatment" and Police assistance to victims as well as special protective measures for vulnerable victims and witnesses before and during trials.[110] Moreover, ongoing reviews of the Anti-human Trafficking Act, 2005 and Adoption Act, 1989 contemplate witness and victim protection measures for child witnesses, survivors and victims of abuse, trafficking and illegal adoptions. This will take into account the child's best interests, inclusive of his/her psychological and physical wellbeing.

H. Ratification of International Instruments

139. The State Party notes paragraphs 79 and 80 of the CRC Committee's concluding observations on its reporting obligations regarding other international instruments, such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and undertakes to more fully respond to this observation within the appropriate and relevant reporting context.

I. Follow-up and Dissemination

140. The State Party notes that the Line Ministry and its Partners have undertaken various activities aimed at disseminating and responding to the CRC Committee's overall observations and recommendations on the state of child rights and wellbeing in the country. In this respect, the Line Ministry states that, in addition to efforts undertaken by it and its CP-Com Partners in generally disseminating information regarding children, it shall continue to work with all relevant stakeholders, including but not limited to its development Partners and members of CFN, to sensitize the public on child rights, protection and welfare issues nationally. The State Party accordingly undertakes to disseminate nationwide the CRC Committee's concluding observations and comments that this report addresses.

IX. Conclusion

Challenges and Prospects for Recovery

141. This report shows that in spite of the gains made, especially in terms of enacting laws to protect child rights and promote child wellbeing generally, improving access to education for all children especially for girls, and enhancing healthcare for under-five

[110] See sections 38, 39 and 40 of the Sexual Offences Act, 2012.

children, pregnant women and lactating mothers, the challenges facing the State Party, inclusive of the Line Ministry, are numerous and that decisive and progressive steps ought to be taken within a limited timeframe to address the myriad problems. In summary, the State Party reports the following as key challenges facing the country in implementing programmes and processes to develop the wellbeing of children as well as the strategies it shall adopt in tackling them:

1) The State Party admits capacity constraints in the Line Ministry. To this end, current restructuring of offices and personnel in the Ministry shall be expedited. Training and appropriate education for the Ministry's personnel shall be pursued. This will, inter alia, assist management of a systems data base required for prompt service delivery;

2) It is further recognized that in order to work efficiently and effectively, the Line Ministry's annual/periodic budget should be increased to meet its demands and needs. The State Party shall accordingly revisit and increase the Line Ministry's budget;

3) The relevant laws requiring reform, such as the Adoption Act, the Anti-Human Trafficking Act, the Law on the administration of Juvenile Justice, the Education Act and inter alia the law on child maintenance, shall be revised and placed before Parliament for ratification without delay;

4) Work on the establishment and functioning of the National Commission for Children shall be prioritized and expedited with urgency;

5) Finally, in order to provide for every child, the State Party undertakes to put required mechanisms in place towards the creation of a Trust Fund into which a proportion of proceeds from non-renewable resources could be put for a period of thirty years, pursuant to section 40 (2) of the Child Rights Act.